



Western Riverside Council of Governments Planning Directors Committee

AGENDA

**Thursday, September 13, 2018
9:00 a.m.**

**Western Riverside Council of Governments
Citrus Tower
3390 University Avenue, Suite 450
Riverside, CA 92501**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Planning Directors Committee meeting, please contact WRCOG at (951) 405-6703. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting. In compliance with Government Code Section 54957.5, agenda materials distributed within 72 hours prior to the meeting which are public records relating to an open session agenda item will be available for inspection by members of the public prior to the meeting at 3390 University Avenue, Suite 450, Riverside, CA, 92501.

The Planning Directors Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

- 1. CALL TO ORDER (Keith Gardner, Chair)**
- 2. SELF INTRODUCTIONS**
- 3. PUBLIC COMMENTS**

At this time members of the public can address the Planning Directors Committee regarding any items with the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

4. MINUTES

- A. Summary Minutes from the August 9, 2018, Planning Directors Committee Meeting are Available for Consideration.**

Requested Action: 1. Approve Summary Minutes from the August 9, 2018, Planning Directors Committee meeting.

5. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

A. WRCOG Committees and Agency Activities Update **Andrea Howard** **P. 5**

Requested Action: 1. Receive and file.

B. Local Assistance for WRCOG Member Agencies:
Grant Writing Assistance & BEYOND Program
Activities Updates **Andrea Howard** **P. 19**

Requested Action: 1. Receive and file.

6. REPORTS / DISCUSSION

A. Update on Local Input Process for the 2020
Regional Transportation Plan / Sustainable
Community Strategy (RTP/SCS) **Kimberly Clark, SCAG** **P. 43**

Requested Action: 1. Receive and file.

B. Community Engagement Case Studies **Rachel Hom, WRCOG** **P. 45**

Requested Action: 1. Receive and file.

C. Proposed New TUMF Calculation Policy **Daniel Ramirez-Cornejo,
WRCOG** **P. 47**

Requested Actions: 1. Recommend that the Executive Committee adopt changes to the Administrative Plan to allow for WRCOG to calculate and collect TUMF on behalf of its member agencies.
2. Recommend that the Executive Committee direct staff to prepare an amendment to the TUMF Ordinance to allow WRCOG to collect TUMF on behalf of its member agencies.
3. Recommend that the Executive Committee direct staff to consult with each member agency to formally determine those that wish to enroll in this process.
4. Recommend that the Executive Committee direct staff to work with legislative bodies with each agency wishing to enroll in this process to adopt an update to their TUMF Ordinance.
5. Recommend that the Executive Committee direct staff to allow those agencies which do not wish at this to enroll in this process to continue calculating and collecting TUMF.

**D. TUMF Program 3,000 Square Foot Reduction for
Retail and Service Uses Implementation Update**

Daniel Ramirez-Cornejo,

P. 117

WRCOG

Requested Action: 1. *Approve a revision to the 3,000 square foot reduction policy for retail and service uses that limits this reduction to projects that are less than 20,000 square feet.*

7. ITEMS FOR FUTURE AGENDAS

Members

Members are invited to suggest additional items to be brought forward for discussion at future Planning Directors Committee meetings.

8. GENERAL ANNOUNCEMENTS

Members

Members are invited to announce items/activities which may be of general interest to the Planning Directors Committee.

9. NEXT MEETING: The next Planning Directors Committee meeting is scheduled for Thursday, October 11, 2018, at 9:00 a.m. at WRCOG's office located at 3390 University Avenue, Suite 450, Riverside.

10. ADJOURNMENT

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1. CALL TO ORDER

The meeting of the Planning Directors Committee (PDC) was called to order at 9:05 a.m. by Chair Patty Nevins at WRCOG's Office, Citrus Conference Room.

2. SELF INTRODUCTIONS

Members present:

Patty Nevins, City of Banning (Chair)
Peter Minegar, City of Eastvale
Cheryl Kitzerow, City of Menifee
Rick Sandzimier, City of Moreno Valley
Jeff Murphy, City of Murrieta
Luke Watson, City of Temecula
Matt Bassi, City of Wildomar
Keith Gardner, County of Riverside
Kristin Warsinski, Riverside Transit Agency

Staff present:

Christopher Gray, Director of Transportation
Daniel Ramirez-Cornejo, Program Manager
Suzy Nelson, Administrative Assistant
Anthony Segura, Staff Analyst
Daniel Soltero, Staff Analyst
Rachel Hom, Staff Analyst

Guests present:

Jennifer Nguyen, Riverside Transit Agency
Siri Champion, Michael Baker Int'l
Rameeta Garewal, Micheal Baker Int'l
Kendell Hillis, Michael Baker Int'l
Phayvanh Nanthavongduongsy, County of Riverside

3. PUBLIC COMMENTS

There were no public comments.

4. SELECTION OF PLANNING DIRECTORS COMMITTEE CHAIR, VICE-CHAIR, AND 2ND VICE-CHAIR FOR FISCAL YEAR 2018/2019

Action: 1. *The Planning Directors Committee appointed Keith Gardner, County of Riverside, as Chair; Deanna Elliano, City of Hemet, as Vice-Chair; and Tom Merrell, City of Jurupa Valley, as 2nd Vice-Chair.*

(Murrieta / Banning) 9 yes; 0 no; 0 abstention. Item 4 was approved by the Committee as a whole. The Cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Jurupa Valley, Lake Elsinore, Norco, Perris, Riverside, and San Jacinto, the March JPA, and the Morongo Band of Mission Indians were not present.

5. MINUTES - (Murrieta / Banning) 9 yes; 0 no; 0 abstentions. Item 5.A was approved by the Committee as a whole. The Cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Jurupa Valley, Lake Elsinore, Norco, Perris, Riverside, and San Jacinto, the March JPA, and the Morongo Band of Mission Indians were not present.

A. Summary Minutes from the June 14, 2018, Planning Directors Committee Meeting are Available for Consideration.

Action: 1. Approved the Summary Minutes from the June 14, 2018, Planning Directors Committee meeting.

6. CONSENT CALENDAR - (Wildomar / Menifee) 9 yes; 0 no; 0 abstentions. Items 6.A through 6.C were approved by the Committee as a whole. The Cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Jurupa Valley, Lake Elsinore, Norco, Perris, Riverside, and San Jacinto, the March JPA, and the Morongo Band of Mission Indians were not present.

A. WRCOG Committees and Agency Activities Update

Action: 1. Received and filed.

B. Local Assistance for WRCOG Member Agencies: Grant Writing Assistance & BEYOND Program Activities Update

Action: 1. Received and filed.

C. Experience Regional Innovation Center Feasibility Analysis Update

Action: 1. Received and filed.

6. REPORTS / DISCUSSION

A. Topics for Future Meetings

Christopher Gray introduced Rameeta Garewal from Michael Baker International to present on future topics for future Planning Directors Committee meetings.

Ms. Garewal shared five different topics that included the Affordable Housing and Sustainable Communities (AHSC) Program; Community Revitalization and Investment Authorities (CRIA); Smart Cities; Community Engagement, Equity and Disadvantaged Communities; and Bus Tours.

The AHSC Program would assist project areas by providing grants and/or loans, or any combination thereof, that will achieve greenhouse gas emissions reductions and benefit Disadvantaged Communities through increasing accessibility of affordable housing, employment centers, and key destinations via low-carbon transportation resulting in fewer vehicle miles traveled through shortened or reduced trip length or mode shift from Single Occupancy Vehicle use to transit, bicycling or walking.

CRIA authorizes the revitalization of Disadvantaged Communities through planning and financing infrastructure improvements and upgrades; economic development activities; and affordable housing via tax increment financing based, in part, on the former community redevelopment law.

There are two types of CRIA's. The first type is a single-member CRIA consisting only of the city or county that creates the authority. In the second type, one or more local governments can join with one or more taxing entities to create a joint powers authority to function as a multi-entity CRIA.

A Smart City is a municipality that uses information and communication technologies to increase operational efficiency, share information with the public and improve both the quality of government

services and citizen warfare. Cities incorporate this technology to enhance the quality and performance of urban services such as energy, transportation and utilities in order to reduce resource consumption, wastage and overall costs. Energy conservation and efficiency are major focuses of Smart Cities. Funding for Smart Cities can come from a number of sources – cost savings related to Smart City technology, monetizing data, revenue sharing, and fee and fare collection.

Community engagement is sometimes treated as a box to check during decision-making processes. However, community-based planning is increasingly important for multiple reasons. Opposition, misinformation, and outrage of a vocal minority becomes an obstacle for positive changes for the majority. Accessing state programs for funding and technical resources and addressing challenges, such as housing shortage, building resilient communities, public health, and mobility, depend on understanding and articulating the needs and behaviors of community members.

Committee members discussed and shared their thoughts and provided input regarding what they would like to have on the agenda for future meetings.

Action: 1. *Topics for future items requested by the Committee included Online Engagement, 2nd Dwelling units, Affordable Housing and Sustainable Communities and the Climate Action Plan.*

B. Western Riverside Energy Partnership Activities Update

Anthony Segura provided an update on recent Program initiatives and successes, as well as information on streetlight rebates, and shared an opportunity for agencies to send one staff member to Building Operator Certification (BOC) energy efficiency training. Upcoming activities include direct install outreach and the 5th annual LED holiday light exchange.

Action: 1. *Received and filed.*

C. Fee Comparison Analysis Update

Christopher Tzeng reported that WRCOG undertook a study in 2016 on the total fees collected for development projects within each WRCOG jurisdiction and several adjacent jurisdictions. At that time, the Executive Committee requested that this study be updated regularly on a two-year basis.

Mr. Tzeng announced that WRCOG is starting a 2018 update to this study, using the same methodology used in 2016, and requested that agencies provide updated information if there have been any fee changes since the 2016 study.

Christopher Gray noted that a two-year schedule would be useful to provide up-to-date information, and to coincide with the TUMF Nexus Study updates planned to occur every four years.

Action: 1. *Received and filed.*

D. Proposed New TUMF Calculation Policy

Daniel Ramirez-Cornejo reported on the current and proposed TUMF calculation policies. Currently, agencies calculate and collect TUMF fees, which commonly results in collection errors and fee disputes that result in significant staff and legal costs. WRCOG staff proposes that WRCOG assumes responsibility for all TUMF calculations. At the request of staff, WRCOG legal counsel has determined that if WRCOG were to calculate fees, the TUMF Administrative Plan would require revision; however, if WRCOG were to calculate and collect fees, both the TUMF Administrative Plan and TUMF Ordinance would require updates.

Mr. Ramirez-Cornejo presented three options: WRCOG calculates fees, WRCOG calculates and collects fees for some agencies, or WRCOG calculates and collects fees for all agencies. Three

handouts were introduced that would be used by member agencies to submit to WRCOG for fee calculations under all proposed options. Handouts could be submitted electronically, with a 48-hour turnaround.

Christopher Gray added that agency staff would be required to submit forms, rather than developers directly coming to WRCOG, because agency staff have the full project background and can accurately describe what is being constructed. Additionally, Mr. Gray requested that agencies review the handouts and provide input on the proposed process before this item is brought back to all WRCOG Committees next month.

Mr. Ramirez-Cornejo added that this item will be presented to the other WRCOG Committees and brought back to this Committee for recommendation in September. Mr. Ramirez-Cornejo also shared information on an updated TUMF calculation website that is not yet live.

Mr. Gray noted that this tool would be useful for developers to obtain fee estimates, particularly when projects are still in the preliminary stages.

Action: 1. *Discussed and provided input.*

E. TUMF Program 3,000 Square Foot Reduction for Retail and Service Uses Implementation Update

Daniel Ramirez-Cornejo provided an update on implementation of the 3,000 square foot (SF) deduction for all retail and service uses that was established in August 2017 by the Executive Committee, and shared several scenarios for consideration and discussion by the group.

Christopher Gray added that retail uses generally fall into three categories: 30,000 SF and larger big retailers, mid-sized retailers, and 3,000 SF and below spaces that tend to be occupied by local-serving smaller businesses. There are some exemptions to this rule, but in general, the smaller spaces do not have a large regional draw. Further, City Managers commonly see these spaces as important to economic development for independent small businesses. The 3,000 SF exemption is a policy, and implementation of the policy could be changed by the Executive Committee when presented in September should this interpretation not be in accordance with their vision.

Mr. Gray called attention to an Arco gas station that added a car wash and did not have to pay TUMF. The current interpretation of the 3,000 SF exemption policy is coherent because individuals will not specifically travel to this facility due to the car wash and it will not generate additional trips.

Action: 1. *Received and filed.*

6. ITEMS FOR FUTURE AGENDAS

Committee members discussed special topics for future meetings in Report Number 7.A.

7. GENERAL ANNOUNCEMENTS

Cheryl Kitzerow shared that Menifee now has a new Mayor, Bill Zimmerman.

8. NEXT MEETING: The next Planning Directors Committee meeting is scheduled for Thursday, September 13, 2018, at 9:00 a.m., at WRCOG's office located at 3390 University Avenue, Suite 450, Riverside.

9. ADJOURNMENT: The meeting of the Planning Directors Committee adjourned at 10:40 a.m.



Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: WRCOG Committees and Agency Activities Update

Contact: Andrea Howard, Program Manager, ahoward@wrcog.us, (951) 405-6751

Date: September 13, 2018

The purpose of this item is to provide updates on noteworthy actions and discussions held in recent standing Committee meetings, and to provide general project updates.

Requested Action:

1. Receive and file.

Attached are summaries of actions and activities from recent WRCOG standing Committee meetings that have taken place since the August 2018 Planning Directors Committee meeting.

Prior Action:

None.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachments:

1. WRCOG August Committees Activities Matrix (Action items only).
2. Summary recaps from August Committee meetings.

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Item 5.A

WRCOG Committees and Agency
Activities Update

Attachment 1

WRCOG August Committees
Activities Matrix (Action items only)

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<u>WRCOG Committees</u> <u>Activities Matrix</u> <u>(Action Items Only)</u>		<u>Executive Committee</u>	<u>Administration & Finance Committee</u>	<u>Technical Advisory Committee</u>	<u>Planning Directors Committee</u>	<u>Public Works Committee</u>	<u>Finance Directors Committee</u>	<u>Solid Waste Committee</u>
Date of Meeting:		8/6/18	Did not meet	8/20/18	8/13/18	8/13/18	Did not meet	8/15/18
Current Programs / Initiatives:								
	Regional Streetlights Program	Received and filed.		Received and filed.	n/a	n/a		n/a
	Property Assessed Clean Energy (PACE) Programs	Adopt WRCOG Resolution Number 36-18; 2) Adopt WRCOG Resolution Number 37-18; 3) Adopt WRCOG Resolution Number 18-18; 4) Adopt Amended WRCOG Resolution 35-18; 5) Adopt Amended WRCOG Resolution 38-18; 6) Adopt Amended WRCOG Resolution 39-18; 7) Support the Additional Pace Provider Ad Hoc Committee's pending and tentative recommendation to direct and authorize the Executive Director to enter into contract negotiations and execute any necessary documents to include CleanFund under WRCOG's Commercial PACE umbrella; 8) Adopt WRCOG Resolution Number 40-18;		n/a	n/a	n/a		n/a
	Community Choice Aggregation (CCA) / Western Community Energy	Direct and authorize the Executive Director to enter into the Implementation and Management Services Agreement between Western Riverside Council of Governments and Western Community Energy, as to form.		n/a	n/a	n/a		n/a
	TUMF	Approve the 2018 5-Year Transportation Improvement Program for the Northwest Zone; 2) Authorize the Executive Director to execute a TUMF Reimbursement Agreement with the City of Murrieta for the Engineering Phase of the California Oaks Road Interchange Project in an amount not to exceed \$2,145,959;		Discussed and provided input regarding the proposed new TUMF Calculating Policy.	Discussed and provided input regarding the proposed new TUMF Calculating Policy.	Discussed and provided input regarding the proposed new TUMF Calculating Policy.		n/a
	Fellowship	n/a		Received and filed.	n/a	n/a		n/a
New Programs / Initiatives:								
	EXPERIENCE	n/a		Received and filed.	Received and filed.	n/a		n/a

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Item 5.A

WRCOG Committees and Agency
Activities Update

Attachment 2

Summary recaps from August
Committee meetings

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Western Riverside Council of Governments Planning Directors Committee Meeting Recap August 9, 2018

Following is a summary of key items discussed at the last PDC meeting. To review the full agenda and staff reports for all items, click [here](#). To review the meeting PowerPoint presentations, click [here](#). For additional information, contact Andrea Howard at ahoward@wrcog.us or (951) 405-6751.

Summary of Leadership Positions Selected

- The PDC selected members to serve in Committee leadership positions for the coming year as follows:
 - Chair: Keith Gardner, County of Riverside
 - Vice-Chair: Deanna Elliano, City of Hemet
 - 2nd Vice-Chair: Tom Merrill, City of Jurupa Valley

Topics for Future Meetings

- WRCOG staff and consultants from Michael Baker International presented a variety of potential topics for the Agency to bring to the PDC at future meetings. Members identified a particular interest in the following topics:
 - Up and coming planning laws
 - Strategic planning to sustain affordable housing while keeping jobs local to decrease work commutes and gas emissions
 - Options to invest in landscape, walls, interchange, trash pickup, and other community beautification opportunities.
- Committee Member Gardner, Riverside County, shared that the County is undergoing an update to their zoning code and referenced [this](#) white paper; PDC members expressed interest in a workshop regarding potential online capabilities that will be made available through the code update.

Fee Comparison Update

- In 2016 WRCOG conducted a fee comparison analysis on fee exactions, which investigated the effects of other development costs and analyzed economic benefits of transportation investment in the subregion.
- WRCOG is beginning the process of updating the analysis; the update will utilize the same methodology and will only revise fee structures.
- Development types analyzed will be single-family and multi-family residential development, retail development, office development, and industrial development.
- Jurisdictions that have undergone a change in fee structure since 2016, are asked to notify WRCOG.

Proposed New TUMF Calculation Policy

- Based on input from Public Works Directors and City Managers, staff have refined options for WRCOG calculation and potential collection of TUMF to three options:
 - Option 1: WRCOG calculates fees
 - Option 2: WRCOG calculates fees and collects fees for some member agencies
 - Option 3: WRCOG calculates fees and collects fees for all member agencies
- PDC members expressed a preference for Options 2 and 3.

- In June 2018, staff initiated an update to an in-house fee calculator for TUMF; the tool is anticipated to be available in the Fall.

TUMF Program 3,000 SF Reduction

- In August 2017, the Executive Committee approved a 3,000 sq. ft. reduction for all retail and service land uses.
- There has been some discussion regarding when this reduction applies: staff clarified that each building permit, including both new construction and renovations with expansions, receives the 3,000 sq. ft. reduction.

Next Meeting

- The next meeting of the WRCOG Planning Directors Committee will convene on Thursday, September 13, 2018 at WRCOG's office, located at 3390 University Avenue, Suite 450, Riverside.



Western Riverside Council of Governments Public Works Committee Meeting Recap August 9, 2018

Personal Signal Assistance Technology

- Christopher Tzeng, WRCOG Program Manager, introduced Steve Mager from Traffic Technology Services, Inc. (TTS), a technology company and information provider for vehicle applications to connect vehicles and infrastructure and facilitate safe development of increasingly autonomous vehicles.
- Mr. Mager presented on the growing capabilities of Personal Signal Assistant technology and emphasized the importance of implementation via public private partnerships.
- For more information, please contact Steve Mager at steve.mager@traffictechservices.com.

Fee Comparison Analysis Update

- Christopher Tzeng, WRCOG Program Manager, introduced an update to the 2016 Fee Comparison Study that analyzed fees / exactions required and collected by jurisdictions / agencies in-and-immediately adjacent to the WRCOG subregion.
- WRCOG staff will reach out to all jurisdictions and agency staff to inquire about updates to fee structures for inclusion in the 2018 Fee Comparison Study.
- For more information, please contact Christopher Tzeng at ctzeng@wrcog.us.

Riverside County Traffic Analysis Model (RIVTAM) Update

- Christopher Gray, WRCOG Director of Transportation, shared that WSP will lead the RIVTAM update efforts and requested that jurisdictions provide their latest traffic count data so the model can provide forecasts utilizing the most accurate data.
- WRCOG staff will follow up with member agencies to inquire about data.
- For more information, please contact Christopher Gray at cgray@wrcog.us. Traffic data can be sent to Christopher Tzeng, WRCOG Program Manager, at ctzeng@wrcog.us.

Proposed New TUMF Calculation Policy

- Daniel Ramirez-Cornejo, WRCOG Program Manager, provided an update on three options developed to streamline the TUMF calculation process and eliminate errors, which includes WRCOG calculating TUMF for all development projects or WRCOG calculating and collecting TUMF for all development projects.
- Mr. Ramirez-Cornejo also presented worksheets that would be submitted by member agencies with relevant development information for WRCOG calculation of fees.
- Member agencies are encouraged to review the materials provided. It is anticipated that the various WRCOG Committees will take action on an option for implementation in September.
- For more information, please contact Daniel Ramirez-Cornejo at dramirez-cornejo@wrcog.us.

TUMF Program 3,000 Square Foot Exemption for Retail and Service Uses Implementation Update

- Daniel Ramirez-Cornejo, WRCOG Program Manager, provided an update on implementation of the 3,000 square foot (SF) exemption for retail and service uses enacted by the Executive Committee in August 2017.
- Approximately \$3 million has been collected from retail and service uses since implementation of this policy, and direct revenue loss from the 3,000 SF exemption is approximately \$900,000 through May 2018.
- For more information, please contact Daniel Ramirez-Cornejo at dramirez-cornejo@wrcog.us.

Western Riverside Energy Partnership (WREP) Update

- Anthony Segura, WRCOG Staff Analyst, provided a mid-year update on the Partnership, for which three WREP members progressed up new tier levels in SCE's Energy Leader Model (Cities of Hemet, Murrieta, and Wildomar).
- The WREP Partnership has achieved its SCE goal of 356,400 kWh by saving over 2.6 million kWh through the implementation various LED lighting projects at municipal facilities (indoor & outdoor) and safety light retrofits.
- Mr. Segura announced that the LED Holiday Light Exchange will continue in 2018, for which more than 2,300 holiday lights have been provided to date.
- For more information, please contact Anthony Segura at asegura@wrcog.us.



Western Riverside Council of Governments Technical Advisory Committee Meeting Recap August 16, 2018

Following is a summary of key items discussed at the last Technical Advisory Committee meeting. To review the full agenda and staff reports for all items, click [here](#). To review the meeting PowerPoint presentations, click [here](#).

Selection of Technical Advisory Committee Leadership Positions for Fiscal Year 2018/2019

- The TAC selected members to serve in Committee leadership positions for the fiscal year as follows:
 - Chair: George Johnson, County of Riverside
 - Vice-Chair: Allen Parker, City of Hemet
 - 2nd Vice-Chair: Gary Thompson, City of Jurupa Valley

Small Cell Deployment and S. 3157

- The TAC forwarded a recommendation to the Executive Committee to adopt an “Oppose” position for Congressional Senate Bill S. 3157 (Thune), which attempts to limit local control of the deployment of telecommunication facilities and small cells by, for example, requiring jurisdictions to respond to small cell applications within a short amount of time, limits the amount jurisdictions can charge for small cell attachments, and regulates location siting of small cell deployment.

Proposed New TUMF Fee Calculation Policy

- Over the past few months WRCOG has held discussions with its committee structure to explore alternate TUMF fee calculation and collection options, with the goal of reducing or eliminating fee calculation errors and member agency staff time directed to fee calculations and/or collections.
- Of the options presented, TAC members favored WRCOG calculating and collecting fees for all agencies. This would significantly streamline the process by removing much of the back-and-forth that typically occurs between member agencies and WRCOG staff. It would also simplify the monthly remittance and annual reports.
- Staff will bring the item back to the Planning Directors and Public Works Committee before taking the item to the Administration & Finance and Executive Committees for action.
- Staff are currently testing the functionality and accuracy of an online fee calculator tool, which will allow stakeholders to input project-specific information and receive fee obligation estimates for development projects. Staff anticipates that the tool will be available for use in the fall.

Update to the Regional Truck Study and Development and Implementation of a Regional Logistics Mitigation Fee

- Riverside County Transportation Commission (RCTC) staff provided an update on a regional truck study and efforts to develop and implement a regional logistics mitigation fee, currently underway.
- The study is the result of the settlement agreement amongst many public agencies and Highland Fairview in response to litigation involving the World Logistics Center.

- If a fee were implemented, it could set a fee on new distribution center warehouses, based on facility size, to mitigate impacts of such land uses and help pay for freeway improvements identified in the study.
- The study is nearly completed; RCTC has completed four of the five tasks outlined in the study, including 1) an Existing and Future Conditions Analysis, 2) Funding and Cost Analysis, 3) Nexus Study, and 4) Fee Allocation Structure and Implementation Mechanism. RCTC anticipates finalizing the fifth task, Study Recommendations, later this month.
- Any fee that might result from the study is separate from TUMF; there is no overlap between the two efforts as the RCTC study is focused on freeway improvements that are not part of the TUMF Regional System of Highways and Arterials.

Experience Regional Innovation Center Feasibility Analysis Update

- The study to explore the viability of bringing an innovation and sustainability demonstration to the WRCOG subregion is entering its final stages. A Steering Committee has been meeting regularly and has laid out specific objectives for the center, which are being used to guide the analysis process. The Project Team has completed a Market and Demand Analysis, which included a revise of the economic benefits and costs of potential program elements.
- In the next few months, the project team will compare specific host site opportunities, and explore governance, operations, and partnership opportunities prior to making final site recommendations and determining next steps.

Next Meeting

- The next meeting of the Technical Advisory Committee is scheduled for Thursday, September 20, 2018, at 9:30 a.m. in WRCOG's office, located at 3390 University Avenue, Suite 450, Riverside.



Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: Local Assistance for WRCOG Member Agencies: Grant Writing Assistance & BEYOND Program Activities Updates

Contact: Andrea Howard, Program Manager, ahoward@wrcoq.us, (951) 405-6751

Date: September 13, 2018

The purpose of this item is to provide an update on the local assistance programs WRCOG administers to provide funding for member driven projects and programming through the Grant Writing Assistance Program and BEYOND Framework Fund Program; to provide an update on three grant opportunities that are expected to release a Notice of Funding Availability (NOFA) in the fall: the Caltrans Sustainable Transportation Planning Grant Program, the Caltrans Adaptation Planning Grant Program, and the SCAG Sustainable Transportation Planning Grant Program; and to highlight the BEYOND Round II-funded Well One Clinic in the City of Perris.

Requested Action:

1. Receive and file.

WRCOG provides assistance to member jurisdictions to fund local projects through the BEYOND Framework Fund Program (BEYOND) and the Grant Writing Assistance Program. BEYOND provides funding directly to member jurisdictions through both competitive and non-competitive funding channels to enable member agencies to develop and implement plans and programs aimed at improving quality of life in Western Riverside County by addressing the goal areas outlined in WRCOG's Economic Development and Sustainability Framework. The Grant Writing Assistance Program covers the cost of hiring professional grant writers to develop proposals for competitive external funding for the eligible grant programs identified in the Program guidelines.

Grant Writing Assistance Program Overview

WRCOG manages a bench of consultants to help jurisdictions prepare grant applications in five program areas: Active Transportation; Caltrans Sustainable Transportation and Adaptation Planning; Affordable Housing and Sustainable Communities; electric vehicle and alternative fuel readiness, or funding related to Clean Cities activities; and any new planning grant opportunities. The Program aims to strengthen the region's overall competitiveness for statewide funding and to provide needed supplemental support to jurisdictions prevented from seeking grant funds due to limited capacity and/or resources. WRCOG has allocated \$700,000 toward this Program, of which, approximately \$120,000 has been used, resulting in more than \$1.8 million in awarded grants for the region. Attachment 1 provides an overview of the grant opportunities applied for and awarded through the Program to date.

New Grant Opportunities for fall 2018:

Caltrans Sustainable Transportation Planning Grant Program. This Program provides funding to projects that develop local plans which encourages sustainable infrastructure improvements to reduce greenhouse gas emissions, vehicle miles traveled, and increase safety, and/or provide access to Public Transit. The Program has four main categories:

1. **Sustainable Communities Competitive:** funds projects / studies such as, but not limited to, community to school studies or safe routes to school plans, studies that advance a community's effort to address the impacts of climate change and sea-level rise, complete street plans, transit planning studies related to accessible transit, paratransit, mobility management, etc., first / last mile project development planning, and land use planning activities in coordination with a transportation project.
2. **Strategic Partnerships:** funds transportation planning studies of interregional and statewide significance in partnership with Caltrans.
3. **Strategic Partnerships Transit:** funds multi-modal planning studies with a focus on transit, in partnership with Caltrans, of regional, interregional and statewide significance.
4. **Sustainable Communities:** formula funds for Metropolitan Planning Organizations (such as the Southern California Association of Governments (SCAG)).

Caltrans Adaptation Planning Grant. This Program provides funding to climate change adaptation planning. Examples of projects / studies include, but are not limited to, climate vulnerability assessments, extreme weather event evacuation planning, resilience planning, transportation infrastructure adaptation plans, natural and green infrastructure planning (e.g., wetlands restoration along transportation corridors to protect transportation infrastructure from flooding and storm impacts).

Sustainable Communities Planning Resource Program. SCAG is developing guidelines for the next Sustainable Communities Planning Resource Program (formerly Sustainability Planning Grant Program) call for proposals (anticipated for September 2018). SCAG estimates that approximately \$4.9 million in planning resources will be available and are refining the focus of this competitive Program to better align with regional planning priorities and strategies. It is expected that the refined Program will provide resources for nine project types included in the Active Transportation and Integrated Land-Use & Green Region categories. Similar to previous cycles, applicants will be awarded consultant services to complete the work proposed in each funding category.

Grant Opportunities Summary Table:

In addition to offering grant writing assistance, WRCOG provides regular updates on various grant opportunities that may be of interest to jurisdictions with the goal of returning as much grant funding to member agencies as possible. In the Grant Opportunities Summary, Tables are distributed bi-weekly via email and posted to WRCOG's website. The Summary Tables provide possible grant opportunities which WRCOG may be able to provide grant writing assistance for, and additional opportunities which are not eligible for assistance through WRCOG, though they may be of interest to members. The Tables list both the estimated "Level of Difficulty" to provide an indication of the level of support needed to develop applications, and the "Success Rates" indicating the number of applications awarded in relation to the number of applications submitted.

BEYOND Program Overview

Piloted in Fiscal Year (FY) 2015/2016, the BEYOND Framework Fund supports development and implementation of local projects aligned with the six goal areas outlined in WRCOG's Economic Development and Sustainability Framework: economy, health, education, energy & environment, water & waste water, and transportation. To date, the Executive Committee has allocated a total of \$4.1 million through two rounds of funding. Round I of BEYOND is funded through FY 2014/2015 Agency carryover funds, while Round II is funded through FY 2015/2016 Agency carryover funds.

BEYOND Round I Status: Round I provided \$1.8 million to member jurisdictions, allocated according to a population-based formula in a single funding stream. Thirty-two projects were funded under Round I and, as of this writing, 23 projects have been completed, five projects which were granted extensions are pending completion, and four projects have been approved as multi-year efforts (the Water Task Force project, funded jointly by EMWD and WMWD, and one project each from the Cities of Corona, Riverside, and Temecula, which are combining Round I and Round II funding for the same project). Attachment 2 to this staff report includes a summary of each Round I project and identifies which projects are complete.

BEYOND Round II Status: Round II is operating three funding streams: 1) BEYOND Core, a central category of funding allocating \$2.05 million to WRCOG member agencies using a population-based formula; 2) BEYOND Team, a competitive fund for collaborative projects between multiple member agencies; and 3) BEYOND Health, a competitive fund for public health-promoting projects. Through these three funding streams, Round II is funding 51 projects. To date, five projects have been completed, including the Party Partners project from the City of Norco, which utilized BEYOND Health funding. A summary of each Round II project, noting which projects are complete, is provided as Attachment 3.

BEYOND Framework Fund Program

BEYOND Project Spotlight: Well One Clinic: With funding from BEYOND Core and Health, the City of Perris, in partnership with Loma Linda University Dental School, Lake Perris SDA Church, and Well One Health, is organizing bi-monthly dental clinics to serve the community from February 2018 through December 2018. This program addresses some of the core dental needs of the underserved Perris community members who lack access to services such as dental extractions, fillings, x-rays and other procedures. According to a 2015 study conducted by Well One Health, a prominent nonprofit organization that provides quality care to families in the Perris community, 59% of Perris residents ranked access to healthcare as their primary community health concern and 66.7% desired free dental services. BEYOND funding enabled the City of Perris to collaborate and support Well One Health and other partner organizations to bring this valuable service to the community.

The Well One BEYOND project implemented strategic best practices as the City of Perris partnered with known and trusted community organizations to create a program that is largely volunteer-run and staffed with qualified professionals like licensed dentists and dental hygienists, ensuring the best care for the community, while stretching program funding as far as possible. While Perris residents are granted priority for appointments, walk-ins from all areas were welcome and services are free of charge for attendees.

BEYOND Program Logistics

As of this writing, \$2.6M of the Program's \$4M budget has yet to be requested for reimbursement. Round II projects are scheduled for completion by November 15, 2018, with final invoices and progress reports due the following month.

Prior Action:

August 16, 2018: The Technical Advisory Committee received and filed.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachments:

1. Grant Writing Assistance Provided Summary.
2. BEYOND Round I – Project Summaries.
3. BEYOND Round II – Project Summaries.

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Item 5.B

Local Assistance for WRCOG
Member Agencies: Grant Writing
Assistance & BEYOND Program
Activities Updates

Attachment 1

Grant Writing Assistance Provided
Summary

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Assistance Summary - PROVIDED					
Jurisdiction	Description	Grant Program Applying for:	Anticipate d Award	Funding Requested	Funding Awarded
Lake Elsinore	City-wide Active Transportation Plan.	Caltrans Sustainable Transportation Planning Grant - Sustainable Communities	Winter 2018	\$200,000	\$175,000
All	Summary table provided to all WRCOG member agencies on bi-weekly basis.				
Banning	City is applying to attain funding for expansion of the City's CNG facility.	MSRC Natural Gas Infrastructure Grant	Winter 2018	\$225,000	\$225,000
WRCOG	Develop localized guidelines, thresholds, and mitigation measures related to SB 743 for jurisdictions of Western Riverside County.	SCAG Sustainable Planning Grant	Spring 2017	\$200,000	\$200,000
WRCOG	WRCOG and SBCTA submitted a joint application for climate adaptation funding from Caltrans for development of a regional Climate Adaptation Toolkit.	Caltrans Sustainable Transportation Planning Grant - Adaptation Planning	Winter 2018	\$683,431	\$683,431
WRCOG	Regional effort to research and evaluate emerging technologies that could change the way cities develop and operate in the future.	Caltrans Sustainable Transportation Planning Grant - Sustainable Communities	Winter 2018	\$500,000	TBA
WRCOG	WRCOG submitted an application to update their Climate Action Plan.	Caltrans Sustainable Transportation Planning Grant - Sustainable Communities	Winter 2018	\$344,900	\$344,900
County	SR-74/Winchester Land Use/Transportation Study	Caltrans Sustainable Transportation Planning Grant - Sustainable Communities	Winter 2018	\$133,000	\$133,000
Hemet	City is interested in attaining funding to enhance City's Mobility Hub and future TOD opportunities, and active transportation enhancements.	Urban Greening Grant and Active Transportation Program Cycle IV	Spring/Summer 2018	TBD	
Eastvale	City is submitting an application to attain funding for an Active Transportation project.	Active Transportation Program - Cycle IV	Summer 2018	TBD	
Jurupa Valley	City is planning to submit applications to attain funding for three Safe Routes to School projects.	Active Transportation Program - Cycle IV	Summer 2018	TBD	
Temecula	City is submitting an application to attain funding for an Active Transportation project.	Active Transportation Program - Cycle IV	Summer 2018	TBD	
Wildomar	City is submitting an application to attain funding for an Active Transportation project.	Active Transportation Program - Cycle IV	Summer 2018	TBD	

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Item 5.B

Local Assistance for WRCOG
Member Agencies: Grant Writing
Assistance & BEYOND Program
Activities Updates

Attachment 2

BEYOND Round I – Project
Summaries

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Round I Project Summaries

City / Agency	Project Name	Framework Goal(s) Supported	Project Description
City of Banning	Park Facilities Improvements	Health	The City of Banning is expanding and updating facilities at Lions Park. Round I funding supported initial planning for the park improvements. Status: Completed. 
City of Calimesa	Clean Energy Vehicles for Calimesa	Energy & Environment	The City of Calimesa utilized BEYOND funding as a match with AQMD AB 2766 funds to replace two vehicles in the City's hybrid/electric fleet. Status: Completed. 
City of Canyon Lake	Canyon Lake Water Monitoring & Economic Development	Water	The City of Canyon Lake dedicated BEYOND funds to facilitate more frequent water testing of the Lake as necessitated by increases of run-off from El Nino storms, in addition to spurring economic development by posting monument signs, performing website maintenance, and completing land analysis for future development. Status: Completed. 
City of Corona	Corona Innovation Center	Economic Dev., Energy & Environment	The City of Corona is utilizing BEYOND funds to support improvements to a previously underutilized facility for use as a business development center. Status: Multi-year project. 
City of Eastvale	SRTS: Radar Display Signs	Health, Transportation	The City of Eastvale utilized BEYOND funds to support its Safe Routes to School campaign through the purchase and installation of 12 radar speed display signs. Status: Completed. 
City of Hemet	Downtown Specific Plan	Economic Dev.	The City of Hemet applied BEYOND funds, in conjunction with a SCAG planning grant, to support development of the City's updated Specific Plan and related documents. Status: Completed. 
City of Jurupa Valley	Farmer's Market	Health, Energy & Environment	The City of Jurupa Valley's Farmers' Market BEYOND project utilized funds to make requisite updates to the City's zoning code to allow for a Farmers' Market and will also support the establishment of the Farmer's Market. Status: Completed 
	Healthy Jurupa Valley Support	Health	The City of Jurupa Valley's Healthy Jurupa Valley BEYOND project funds supported the initiative's five action teams which work to promote and implement healthy living initiatives in the city. Status: Completed. 
	Pedestrian and Bicycle Mobility Improvements	Health, Transportation	The City of Jurupa Valley's Pedestrian and Bicycle Mobility Improvements BEYOND project dedicated funds to identify city arterials appropriate for walking and biking corridors. Funds will then be used to install appropriate signage and perform necessary walkway upgrades. Status: Completed. 
	Chamber of Commerce Partnership	Economic Dev.	The City of Jurupa Valley's Chamber of Commerce BEYOND project supported an initiative to build a partnership with the Chamber of Commerce and to develop educational programs that will promote the City's economic vitality. Status: Completed. 

Round I Project Summaries

City / Agency	Project Name	Goal Area(s) Supported	Project Description
City of Lake Elsinore	Rosetta Canyon Park - Artificial Turf	Economic Dev., Health, Water	The City of Lake Elsinore devoted BEYOND funds to finance a portion of the City's artificial turf installation at Rosetta Canyon Community Park which will include five softball/baseball fields, and one soccer/football field. Status: Completed. 
City of Menifee	Citywide Branding Effort - An Economic Driver	Economic Dev.	The City of Menifee dedicated BEYOND funds to support a two-stage economic development project beginning with a comprehensive evaluation of the City's economic environment, Stakeholder attitudes and perceptions, to inform the second stage development of a citywide branding effort. Status: Completed. 
City of Moreno Valley	Community Enhancement Program	Economic Dev. Water, Health, Transportation	The City of Moreno Valley divided funds between 12 initiatives including a water station installation, materials and supplies support for three Safe Routes to School events, the replacement of 38 computers at the employment resource center, and bike rack installations. Status: Completed. 
City of Murrieta	Murrieta Energy Efficiency Project	Energy & Environment	The City of Murrieta utilized BEYOND funds to finance energy improvement projects identified utilizing an energy audit under the direction of the Energy Network and the Western Riverside Energy Partnership (WREP). Status: Completed 
City of Norco	Two-Pronged Economic Development Marketing Strategy	Economic Dev.	The City of Norco utilized BEYOND funds to support a two-pronged branding effort highlighting Norco as a dynamic business, and friendly environment; and hospitable destination of choice focusing on equine and related attractions. Status: Completed 
City of Perris	Gateway Enhancement Signage Program	Economic Dev.	The City of Perris dedicated a portion of the City's BEYOND allocation to support the Gateway Enhancement Signage program--an effort to overcome perception challenges faced by the city and to optimize economic opportunities by installing a series of entry, way finding, and branding signs throughout the City's gateway streets and places of interest. Status: Completed 
	Green City Farm Program	Health	The City of Perris dedicated a portion of its BEYOND allocation to fund the Green City Farm project which will develop a Community Garden Demonstration Center exhibiting best practices in water-wise gardening, and healthy living opportunities. Status: Completed 
City of Riverside	Marketplace SPOT + TOD	Transportation , Health, Energy & Environment	The City of Riverside is using BEYOND monies to fund a SPOT+TOD project which is a community-based development plan and policy framework that will plan for a pedestrian bridge from Metrolink to downtown and development of the Metrolink area as a node of activity. Status: Multi-year project. 

Round I Project Summaries

City / Agency	Project Name	Goal Area(s) Supported	Project Description
City of San Jacinto	Healthy San Jacinto	Health	The City of San Jacinto is leveraged BEYOND funding to meet a portion of its required match for its Strategic Growth Council Sustainable Communities Grant, which is funding the development of a comprehensive downtown specific plan. BEYOND funds is specifically dedicated to the development of a Healthy San Jacinto Coalition which will mobilize community efforts around creating a healthy and sustainable community. Status: Pending. 
City of Temecula	Global Citizens Special needs Vocation Training (Teen Job Readiness)	Economic Dev., Energy & Environment, Education	The City of Temecula dedicated a portion of its BEYOND allocation to support the Global Citizens Teens with Special Needs program which provides jobs readiness training for adults with special needs. This project includes a comprehensive curriculum training participants for jobs in the viticulture and hospitality industries. Status: Completed. 
	Emergency Management - Video Vignette	Health	The City of Temecula dedicated a portion of its BEYOND allocation to support the production of a video vignette which will educate the public about best practices for local emergency preparedness efforts before, during, and after a catastrophic event. Status: Completed. 
	TVE2 Stem and Youth Enrichment	Energy & Environment, Health, Water, Education	The City of Temecula dedicated a portion of its BEYOND allocation to support the TVE2 Stem and Youth Enrichment Program. BEYOND funds are being used to purchase 25 computer stations for the Junior Women's STEM Program , Future Physician Leaders , and Youth Legal Program. Status: Completed. 
	Grow Temecula Valley	Economic Dev. Health, Energy & Environment	The City of Temecula dedicated a portion of its BEYOND allocation to support the Grow Temecula Valley project's effort to promote buying local food and to highlight the region for tourists. Status: Completed. 
	Sixth Street Sidewalk Improvements	Transportation Health	The City of Temecula dedicated a portion of its BEYOND allocation to support the Sixth Street Sidewalk Improvements project to regrade the sidewalks and install rolled curbs, promoting mobility for all abilities. Status: Multi-year project. 
City of Wildomar	Website Improvements Project	Economic Dev.	The City of Wildomar is making improvements to the City website and updating its server to enhance the user interface for business owners and developers utilizing online permitting capabilities and optimized website capabilities. Status: Pending. 
RCOE	RCOE Foundation Scholars Program	Education	With BEYOND funds, the RCOE Foundation awarded scholarships to "opportunity youth"/ at-risk students enrolled in RCOE programs such as Alternative Education, Court and Community Schools, County Foster Youth programs, and Riverside County Education Academy students. Student scholarships are anticipated to range between \$2,500 and \$5,000 per student. Status: Completed. 

Round I Project Summaries

City / Agency	Project Name	Goal Area(s) Supported	Description
Riverside County	District Level Projects	-	The County is splitting Round I and II funding between Districts 1, 2, 3, and 5 for a total of \$72,164.08 each. These projects will be approved on a rolling basis and will be on the Round II project schedule. Status: Pending. 
	Public Health: Healthy Development Checklist	Health	The County allotted \$25,000 of its allocation to the Department of Public Health to support development of a “Healthy Development Checklist” that will serve as a tool for planners to make recommendations to improve County of Riverside’s residents’ health through community design. Status: Completed. 
Eastern Municipal Water District	Diamond Valley Lake & Skinner Lake Trails	Water, Transportation, Health	Eastern Municipal Water District is engaging WRCOG’s Active Transportation Plan (ATP) consultant team to develop up to five project description sheets and photo simulations for Diamond Valley Lake & Lake Skinner trails or related active transportation facilities which will describe proposed active transportation routes, route segments, or intersections. Status: pending. 
Western Municipal Water District	Customer Handbook: Using Water Efficiently in the Landscape	Water	WMWD dedicated funds to support the creation of a water wise Landscaping web-based handbook with engaging written content, photos, links, and embedded videos. WMWD anticipates water savings of 7,240 acre feet and greater per year. Status: Completed 
Morongo Band of Mission Indians	Dial-A-Ride Expansion	Transportation	The Morongo Band of Mission Indians is utilizing BEYOND funding to purchase an additional vehicle and fund a new full-time employee to operate an expanded Dial-A-Ride route to support transportation to jobs, medical services, education centers and other needs. Status: Pending. 
EMWD / WMWD	Water Task Force	Water	Eastern Municipal Water District and Western Municipal Water District have each dedicated a portion of their BEYOND allocation to fund the ongoing operation of the Water Task Force which may help to cover administrative costs, guest speaker expenses, marketing and meeting expenses. Multi-year project. 

Item 5.B

Local Assistance for WRCOG
Member Agencies: Grant Writing
Assistance & BEYOND Program
Activities Updates

Attachment 3

BEYOND Round II – Project
Summaries

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Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
Banning	Lions Park Expansion	Health	The City of Banning is allocating BEYOND Round II Core funding and additional funding from BEYOND Health toward design and park improvements for Lions Park. The park is currently 9.12 acres consisting of 3 baseball fields, snack bar, and a playground. The City is working to expand the park to include an additional 7.46 acres, to be used for two multi-purpose fields. Round I funding was applied to a portion of the cost of the requisite CEQA analysis for the park. Additional funding is anticipated to come from the County EDA and the City's Park fund. Status: In Progress.
Calimesa	Creekside Park Fitness Facilities	Health	The City of Calimesa is allocating BEYOND Core and Health funding toward transforming Creekside Park into a Fitness Park by installing park grade fitness equipment stations. The installation will require relocation of existing fencing material to expand the park area; installation of rubberized safety surface around each fitness station; replacing existing benches, trash cans, and picnic tables to accommodate and encourage increased park usage. Status: In Progress.
Canyon Lake	Railroad Canyon Road Mobility Improvement Project	Transportation, Health	The City of Canyon Lake is allocating a portion of BEYOND funding toward the installation of pole-mounted radar speed signs. The project is in response to high auto speeds along Railroad Canyon Road, which connects to Lake Elsinore (west) and Menifee (east) where speed limits are both higher than Canyon Lake. Status: In Progress.
	Goetz Road Monument Project	Economic Development	The City of Canyon Lake is allocation BEYOND funding to branding and establishing its identity as a municipality amongst its neighboring cities. The City is utilizing a portion of BEYOND funds for a city monument at the entry point along Goetz Road, adjacent to Menifee's Audie Murphy Ranch residential development project. Status: In Progress.
	City Website	Economic Development	The City of Canyon Lake is allocating a portion of BEYOND funding to perform the annual website update to ensure the site continues to help inform, promote, and describe the City to website visitors. Status: In Progress.
Corona	Corona Innovation Center	Economic Development	The City of Corona is allocating BEYOND funding to continue work on the BEYOND RI funded Corona Innovation Center. RII funds will support physical upgrades and ADA renovations to the economic development resource center. Status: In Progress.
	Corona Health Element	Health	The City of Corona is allocating BEYOND Core funding to add a Healthy Communities Component to their General Plan document. As part of the update, the city will be evaluating existing health conditions, constraints to improving health outcomes, and identifying opportunities to improve the overall health of the community. Status: In Progress.

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
Eastvale	Bus Shelters & Appurtenances	Transportation	The City of Eastvale is allocation BEYOND Core funding toward the installation of overhead bus shelters, benches, and/or a trash container at its more than 30 bus stops along Route 2 and Route 29. Status: In Progress.
Hemet	Pending	Pending	Pending
Jurupa Valley	JV Chamber of Commerce	Economic Development	The City of Jurupa Valley is utilizing a portion of its BEYOND Core Round II funding to continue developing its partnership with the Jurupa Valley Chamber, focusing on business retention and small business development. Status: In Progress.
	Farmers Market	Energy and Environment, Health	The City of Jurupa Valley is utilizing a portion of its BEYOND Core funding to support the continued operation and enhancement of the JV Farmers Market through market expansion and establishment of an ongoing marketing campaign. Status: In Progress.
	Marketing/Branding Program	Economic Development	The City of Jurupa Valley is utilizing a portion of its BEYOND Core funding to initiate a city-wide branding program to include development of a City brochure and other informational marketing. Status: In Progress.
	Radar Display Signs	Transportation, Health	The City of Jurupa Valley is utilizing a portion of its BEYOND Core funding to install up to 6 solar powered radar speed signs to enhance safety awareness of motorists when approaching school zones. Status: In Progress.
	Rubidoux Walking Corridor	Transportation, Health	The City of Jurupa Valley is utilizing a portion of its BEYOND Core Round II funding and additional funding through BEYOND Health, for enhancements to the Rubidoux Walking Corridor, established through BEYOND RI funds. Funding will go toward construction of informational kiosks at each end of the corridor, enhancement of the Edible Path to School, and installation of murals. Status: In Progress.
Lake Elsinore	Healthy LE Program	Health	The City of Lake Elsinore is allocating a portion of its BEYOND Core funding to support the Healthy LE Program. A majority of funding will be directed to hiring a part-time Graduate Student intern to support program activities. Additional funds will go toward project materials and event programming. Status: In Progress.
	Fit-Trails Equipment	Health	The City of Lake Elsinore is allocating a portion of its BEYOND Core, plus additional BEYOND Health funding, to install fitness equipment stations at four parks throughout the city. The four parks were selected based on current activity and utilization levels, varied user types, disbursement of locations throughout the city, and existing walking path infrastructure. Status: In Progress.

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
Menifee	Communicating Menifee's Brand!	Economic Development	The City of Menifee is allocating a portion of its BEYOND Core Round II funding to build off of the RI Re-branding project to develop a marketing communication plan to include creating an independent economic development website and developing marketing materials. Status: In Progress.
	Menifee Homeless Taskforce	Economic Development, Health	The City of Menifee is allocating a portion of its BEYOND Core funding to the Southwest Homeless Alliance Coalition, specifically for creating and printing marketing materials associated with the Coalition. Status: In Progress.
Moreno Valley	Community Enhancement Program II	Health, Energy & Environment, Transportation	The City of Moreno Valley is utilizing BEYOND Core and Health funding for a multi-faceted project to promote active transportation, community engagement, and enhanced quality of life through ten tasks: (1) Community Cleanup Event, (2) Cyclocross Race, (3) Ride MoVal Community Bicycle Race, (4) 5K walk / Pet Adoption Fair Events, (5) Healthy Moreno Valley student campaign, (6) Juan Batista de Anza Trail raised crossing / SB821 Bicycle and Pedestrian Facilities from Bay Avenue to Cottonwood Street, (7) Mini-Round About Demonstration, (8) existing conditions Health Impact Assessment, (9) Community Health Element to General Plan, and (10) Exercise Equipment along Juan Bautista De Anza Trail. Status: In Progress.
Murrieta	Economic Development Site Selector Website	Economic Development	The City of Murrieta is utilizing a portion of BEYOND Core funds to develop a website in coordination with the Chamber of Commerce to provide comprehensive information to help new, expanding, and relocating businesses find the optimal location for success with the City of Murrieta. The website will utilize GIS software, real estate, demographic, workforce, and industry data to create this tool. Status: In Progress.
	HVAC Replacement at Murrieta Innovation Center	Energy and Environment	The City of Murrieta is utilizing a portion of BEYOND Core funds to replace 11 aging HVAC units and install new Title 24 compliant units. Round I funding had been programmed for this, but was reprogrammed for upgrades to the Police and Fire Department HVAC units. Status: Completed ✓
Norco	Ensuring Safety Through Feedback Signs	Education, Health, Transportation	The City of Norco is utilizing BEYOND Core funding to purchase, install, and program 12-15 permanent speed feedback signs. Status: Completed ✓
	Party Parners	Health	The City of Norco is utilizing BEYOND Health funds to support the Party Parners Program which provides activities for developmentally disabled adults eighteen and over, including dancing, wii games, arts and crafts, and social events. Status: Completed ✓

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
Perris	Well One	Health	With funding from BEYOND Core and Health, the City of Perris, in partnership with Loma Linda University Dental School, and Lake Perris SDA Church, are organizing a bi-monthly dental clinic to serve the community to be integrated into an existing community medical and mental health clinic. Perris residents are granted first priority for appointments, but walk-ins from all areas are welcome. Funds will buy equipment and supplies. The clinic will be largely staff by volunteers, including volunteer dental students and professors. Status: Completed 
	Perris green City Farm/Healthy Community50	Health, Education, Energy & Environment	Perris was one of 50 awardees for the national HealthyCommunity50 Challenge, to compete to develop practical, evidence-based strategies to improve measurable health outcomes and promote health and wellness, equity and social interaction. Perris' strategy focuses on healthy food access and is seeking funding to expand its network of community gardens. Funds will focus on developing a goal of 31 gardens. Status: In Progress.
Riverside	The Marketplace TOD & Mobility Hub Specific Plan Update	Economic Development, Transportation	The City of Riverside is combining its Round I and Round II funding allocation for development of a Marketplace TOD & Mobility Hub Specific Plan in the area around the Downtown Metrolink Station. With BEYOND funds, the City will prepare a two phased plan to (1) develop a baseline infrastructure opportunities and constraints plan, and (2) create an implementable Mobility Hub Specific Plan. The City seeks to collaborate with RTA to plan for the area. Status: In Progress.
	Green Action Plan	Energy and Environment, Health	The City of Riverside is using BEYOND Health funding to further the City's Green Action Plan, which is a tool to strengthen the integration between healthy communities and resource conservation goals. With BEYOND funding, the City plans to strengthen cross-sectoral collaborations and integrate the plan with the Sustainability Tools for Assessing and Rating Communities (STAR) system. Status: In Progress.
San Jacinto	San Jacinto General Plan Update 2040	Economic Development	The City of San Jacinto is using BEYOND funds to offset City costs for the update of the City's General Plan. Included are updates to the City's existing 7 elements and will add elements for Economic Development, Air Quality, and Environmental Justice. Status: In Progress.
Temecula	Temecula Youth Project Construct	Economic Development, Education	The City of Temecula is utilizing a portion of its BEYOND Core funding to create the Temecula Youth Construct project which aims to bridge the gap between educational attainment and vocational skills and offer an avenue, for students who do not attend college, to gain skills that will allow them to be successful within the community. Status: In Progress.

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
	Emergency Management System	Health	The City of Temecula is utilizing a portion of its BEYOND Core funding to host a one-day regional Emergency Management Summit, for the purpose of convening regional first responders, emergency managers, elected officials, businesses, and the general public to discuss emergency preparedness for the region. Status: In Progress.
	Intergenerational Horticulture Program	Education, Economic Development	The City of Temecula is utilizing a portion of its BEYOND Core funding to support the public-private partnership between the City and Our Nicholas Foundation which offers specialized vocational skill training for teens, adults, and seniors with special needs. Modeled after the RI BEYOND Funded Global Citizens Special Needs project, the Horticulture Program would be designed to teach basic skills that encompass cultivation of plants, vegetable gardening, landscaping, irrigation, and basic business practices for all ages with special needs from several communities in Western Riverside County. Status: In Progress.
	Bicycle Sharrows	Transportation, Health, Energy & Environment	The City of Temecula is utilizing a portion of its BEYOND Core funding to install 70 sharrows (or shared lane markings) divided between five areas surrounding schools in Temecula providing critical connections between local neighborhoods and schools as identified by the Trails and Bikeways Master Plan. Status: In Progress.
	Industry Sector Promotions/Site Visits & Surveys	Economic Development	The City of Temecula is utilizing a portion of its BEYOND Core funding to create marketing pieces/strategies specific to industry sectors that are growing in Temecula: craft brewing, high tech, advanced manufacturing, and specialty retail. Additionally, the City's Economic Development team will conduct in-depth site visits with existing businesses to better understand their operations and needs. Status: In Progress.
	Government Leadership Program for Youth (GLPY)	Education	The City of Temecula is utilizing a portion of its BEYOND Core funding to purchase equipment that will support the City's Government Leadership Program for Youth which facilitates interaction and communication between school districts, high school students and City staff in order to foster engagement. Status: In Progress.
	Sixth Street Sidewalk Improvements	Transportation, Health	The City of Temecula is utilizing a portion of its BEYOND Core funding to design and construct sidewalk improvements on the north side of Sixth Street, between Mercedes Street and the entrance to the Mary Philips Senior Center. Status: In Progress.
City of Wildomar	Signage Enhancement Program	Economic Development	The City of Wildomar will use a portion of its BEYOND Core funding to place new signage along roadways to be visible at city entry points and from freeways. Status: In Progress.
	Website Enhancement Part 2	Economic Development	The City of Wildomar will enhance the City website, funded through BEYOND Round I, by purchasing a business registration module. Status: In Progress.

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
County of Riverside Round I & II	District 1 Homeless Intervention and Mitigation Program	Health, Economy	District One will enter into a partnership with Path of Life to administer a homeless intervention program, providing support services that fill traditional funding gaps in rehousing individuals, including rental deposits, utility payments, and household supplies. Status: In Progress.
	District 2 Homelessness Prevention and Mitigation	Health, Economy	The Second District has allocated it's BEYOND funding toward Homeless supportive services. Status: In Progress.
	District 3 Staff Support	Education, Economic Development	The Third District has allocated \$20,000 of BEYOND to the Regional Cancer Services Task Force and the remaining balance toward the staffing costs of hiring the District's Round II WRCOG Public Service Fellow as a full-time staff.
	District 5 TBD		The County of Riverside will be dividing Round I and Round II BEYOND allocations, less a total of \$50,000 which has been directed to Public Health, to projects at the supervisorial district level. Each is allocated \$72,164.08.
Riverside University Health Systems - Public Health	Healthy Community Strategies	Economic Development, Health	RUHS-PH is using \$25,000 from the Round II County BEYOND Core allocation to expand upon and support implementation of the Bi-County Healthy Development Checklist. The County will use additional funding through the BEYOND Health set aside to support the annual Healthy Living Extravaganza. Status: In Progress.
Eastern MWD	EMWD Sustainability Center Feasibility Study	Water, Energy & Environment, Health, Economic Development, Education	EMWD is utilizing BEYOND Core funding to perform a feasibility analysis of siting a Sustainability Center near its Perris office campus. Status: In Progress.
Western MWD	Water Use Efficiency Master Plan & Conservation Outreach Plan		WMWD is utilizing BEYOND funds to update the Water Use Efficiency Master Plan (Plan) that will guide new customer programs and outreach over the next five years. Status: In Progress.
Superintendent of Schools	Meta THINK	Education	The Riverside County Office of Education is utilizing BEYOND funding to partner with Meta THINK and local school districts to address chronic absenteeism by working with parents, communities, and school administrators. The Program's aim is to improve student success as chronic absence is a strong indicator of poor performance. Status: In Progress.

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
Morongo Band of Mission Indians	Morongo Dial-A-Ride Program	Transportation	The Morongo Band of Mission Indians is utilizing BEYOND Round II funding to support continued operation of the Dial-A-Ride program which was initiated with BEYOND Round I funding. The Program provides access within and from the Reservation to such destinations as employment, educational centers, and health care facilities. Status: In Progress.
Multiple: Cities of Lake Elsinore, Menifee, Murrieta, Temecula, and the County	Regional Cancer Services Task Force Status: Completed	Education, Economic Development	Several jurisdictions applied funding from their BEYOND Core allocations or applied competitively through BEYOND Health, to support development of a Regional Cancer Services Task Force. The Task Force hired a facilitator and perform a study to identify trends and regional needs in the area of Cancer services. Results of the assessment are intended to be used in planning for and attracting in-demand services to the region both to support health outcomes and economic development. BEYOND funding comes from Core and Health allocations. Status: Completed 
BEYOND Team: City of Perris, Eastern Municipal Water District	Healthy Community 50/Perris Green City Farm	Health, Energy & Environment	The City of Perris was one of 50 awardees for the national HealthyCommunity50 Challenge, competing to develop practical, evidence-based strategies to improve measurable health outcomes and promote health, wellness, equity, and social interaction. Perris' strategy focuses on healthy food access and is seeking funding to expand its network of community gardens. Team funds would support development of 10+ new gardens; the total goal is 31 gardens. Status: In Progress.
BEYOND Team: Cities of Lake Elsinore, Menifee, Murrieta, Wildomar, and Temecula	Regional Homeless Alliance (Southwest Cities)	Economic Development, Education, Health, Transportation, Energy & Environment	The goal of the Regional Homeless Alliance is to achieve functional zero homeless. BEYOND Team funds would support development of a more comprehensive regional program by building on the existing foundation with a focus on immediate needs: beds, outreach, housing options and coordination of services. Specific activities will include (1) development of a Community Asset Assessment and Roadmap to address future needs, (2) development of formal housing navigation process, and (3) development of a replicable, coordinated entry system through outreach, housing navigation and low barrier supportive services. Specific tasks include hiring a part-time homeless outreach coordinator and part-time housing navigator, management of five full-time units for rapid rehousing, and provision of emergency shelter for an average of three individuals/families per night. Status: In Progress.
BEYOND Team: Cities of Corona, Jurupa Valley and Lake Elsinore, and	Western Riverside Homeless Alliance	Economic Development, Health, and Education	Western Riverside Homeless Collaborative's (WRHC) main objective is to stabilize homeless people through the use of shelters, permanent housing, and assistance programs to reduce homelessness in the subregion. The WRHC aims to achieve this objective by adopting a comprehensive regional approach to programming, performing asset mapping, strategic capacity building, and coordinated placement and case management. Specific tasks to be completed include: (1) hiring Homeless Facilitators, (2) creating a subregional Leadership Committee, (3) performing Asset

Round II Project Summaries

Jurisdiction	Project Name	Framework Goal(s)	Project Summary
the County of Riverside			Mapping, (4) assembling a Law Enforcement Case Conferencing Team, (5) identifying faith-based and other access points for a Coordinated Entry System, (6) Responsible Compassion and love Your Neighbor Campaign, and (7) Performance Measurement. Status: In Progress.



Western Riverside Council of Governments

Planning Directors Committee

Staff Report

Subject: Update on Local Input Process for the 2020 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS)

Contact: Kimberly Clark, SCAG Regional Planner Specialist, clark@scag.ca.gov, (213) 236-1844

Date: September 13, 2018

The purpose of this item is to update Committee members on SCAG staff local agency engagement in the development of the 2020 RTP / SCS and explore what the engagement process will entail and what may be asked of member agencies.

Requested Action:

1. Receive and file.

To ensure that all jurisdictions are fully informed of the RTP / SCS and Regional Housing Needs Assessment planning processes, and have clear and adequate opportunities to provide input, SCAG initiated its Bottom-Up Local Input and Envisioning Process in the fall of 2017. Through this, SCAG is soliciting local feedback on base land use data, anticipated population / household / employment growth, resource areas, sustainability practices, and transit-supportive measures to help decision makers understand how the region will perform under current circumstances in future years. Each jurisdiction was sent a detailed work plan during the first week of December 2017 to explain this process, identify support from subregional organizations, outline milestones, and provide instructions on submitting feedback. Several trainings have also been hosted throughout the region, and session content is available as webinars on SCAG's website.

To review this material and answer questions, SCAG staff met one-on-one with all 197 local jurisdictions in its region and has been providing on-site technical assistance to nearly 70 agencies requesting additional help. The deadline for submitting input to SCAG is October 1, 2018.

SCAG thanks its local partners who took the time to meet with SCAG and help the Agency better understand the region's local communities and unique challenges. Additionally, 15 subregional organizations in the region helped to engage local agencies and elected officials, and have provided technical expertise in the development and refinement of SCAG's local data.

Prior Action:

None.

Fiscal Impact:

This item is informational; therefore, there is no fiscal impact.

Attachment:

None.



Western Riverside Council of Governments

Planning Directors Committee

Staff Report

Subject: Community Engagement Case Studies

Contact: Rachel Hom, Staff Analyst, rhom@wrcog.us, (951) 405-6754

Date: September 13, 2018

The purpose of this item is to share strategies that have been effectively utilized to engage community members in planning projects.

Requested Action:

1. Receive and file.

Regional Examples

Using three different case studies, representatives from Michael Baker International will present best practices in community engagement. These practices are intended to help local governments build trust, increase participant diversity, and effectively provide decision-makers with the information needed to lead well. The presentation will include three examples including 1) public participation approaches for renewable energy policymaking in San Bernardino County, 2) active transportation and corridor planning in Big Bear Lake, and 3) annexation planning in the Rancho Cucamonga foothills.

Current methods of engagement go beyond traditional public workshops and now include a variety of other platforms including online engagement (Peak Democracy and MetroQuest), field tours, youth-centered activities, pop-up outreach, and small group meetings with interactive polling devices. By synthesizing input from a variety of sources, planners and decision-makers can better serve the many different interest groups in their area. Furthermore, planners and decision-makers can increase equity in the process and capture the unique needs of disadvantaged community members by implementing these best practices.

City of Murrieta

Jeff Murphy, Development Services Director for Murrieta, will provide a presentation on his experience and use of online engagement during his tenure with the City of Encinitas. Encinitas has struggled to adopt a certified Housing Element due to a small, vocal, and influential group of citizens thwarting several attempts to approve a housing plan. Online engagement acted as a necessary and helpful tool that brought residents and business owners to the discussion, which balanced the debate in the long-run, and ultimately resulted in a Council-endorsed plan.

Riverside Transit Agency

The Riverside Transit Agency (RTA) provides public transportation for Western Riverside County, operating 37 local fixed routes, nine CommuterLink express routes, and Dial-A-Ride service. Engaging in proactive community outreach is an effective marketing tool utilized by RTA staff to provide information about RTA's services and promote a strong positive company image.

RTA's strategy builds upon its partnerships with local businesses including different Chambers of Commerce, colleges, and community groups by routinely participating in local events, parades, and giving presentations. These outreach efforts provide the agency an opportunity to attract potential customers and promote RTA as an active community partner. Community outreach additionally provides staff with an opportunity to solicit feedback on the service RTA provides in the community. The presentation will provide an overview of RTA's community outreach efforts and how the agency has built relationships with Chambers of Commerce, colleges, and cities in its service area.

Prior Action:

None.

Fiscal Impact:

This item is informational; therefore, there is no fiscal impact.

Attachment:

None.



Western Riverside Council of Governments

Planning Directors Committee

Staff Report

Subject: Proposed New TUMF Calculation Policy

Contact: Daniel Ramirez-Cornejo, Program Manager, dramirez-cornejo@wrcog.us, (951) 405-6712

Date: September 13, 2018

The purpose of this item is to provide an update on a proposed new TUMF calculation policy that would have WRCOG calculate and collect TUMF for member agencies.

Requested Actions:

1. Recommend that the Executive Committee adopt changes to the Administrative Plan to allow for WRCOG to calculate and collect TUMF on behalf of its member agencies.
2. Recommend that the Executive Committee direct staff to prepare an amendment to the TUMF Ordinance to allow WRCOG to collect TUMF on behalf of its member agencies.
3. Recommend that the Executive Committee direct staff to consult with each member agency to formally determine those that wish to enroll in this process.
4. Recommend that the Executive Committee direct staff to work with legislative bodies with each agency wishing to enroll in this process to adopt an update to their TUMF Ordinance.
5. Recommend that the Executive Committee direct staff to allow those agencies which do not wish at this to enroll in this process to continue calculating and collecting TUMF.

WRCOG's Transportation Uniform Mitigation Fee (TUMF) Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. Each of WRCOG's member jurisdictions and the March JPA participates in the Program through an adopted ordinance, collects fees from new development, and remits the fees to WRCOG. WRCOG, as administrator of the TUMF Program, allocates TUMF to the Riverside County Transportation Commission (RCTC), groupings of jurisdictions – referred to as TUMF Zones – based on the amounts of fees collected in these groups, the Regional Conservation Authority (RCA) and the Riverside Transit Agency (RTA).

TUMF Calculation Review

Since spring 2018, staff has pursued a potential policy change to the TUMF calculation process as the result of a comprehensive review of TUMF Remittance Reports submitted by member agencies for Fiscal Year (FY) 2017/2018 that identified a number of miscalculations that ultimately resulted in over \$300,000 in refunds to developers. Further, staff has noted that the current calculation process has led to several significant issues between WRCOG and its member agencies. These issues cost significant WRCOG and member agency staff and legal time as the issues have taken multiple years to resolve. Staff's interpretation is that similar issues will continue to arise without a modification to the TUMF calculation policy. Therefore, staff has determined that it is appropriate to provide member agencies an option that would significantly revise the TUMF calculation and collection process.

The item has been presented to various WRCOG Committees and, through the course of the presentations, staff received questions on the implementation and legal aspect of a proposed structure in which WRCOG would calculate and collect TUMF. Staff provided information on the process and schedule to the Planning

Directors, Public Works, and Technical Advisory (TAC) Committees in August. Additionally, staff presented the proposed forms for comment that member agencies would use to submit development project specifics to WRCOG for the calculation of TUMF.

At its August 16, 2018, meeting the TAC recommended that the Executive Committee approve an option that would have WRCOG calculate and collect TUMF for all member agencies. This would significantly streamline the TUMF process by reducing back-and-forth between WRCOG and member agency staff prior to fee collection.

WRCOG Calculation and Collection Feasibility

Legal counsel has prepared a memo regarding the feasibility of options presented to the WRCOG Committees; a summary is provided as follows:

The Mitigation Fee Act does not prohibit WRCOG from calculating, verifying or collecting TUMF on behalf of its member agencies.

Legal counsel has advised staff that the TUMF Model Ordinance allows either WRCOG or its member agencies to calculate TUMF obligations for new development. Having WRCOG staff calculate TUMF for its member agencies would require an amendment to the TUMF Administrative Plan, which would be subject to approval of the Executive Committee. This change to the Administrative Plan is one of the actions being presented for approval by this Committee. WRCOG may also collect TUMF on behalf of its member agencies, subject to a member agency's governing body adopting an Amendment to the current TUMF Ordinance.

Proposed TUMF Calculation Process

In response to feedback received, the proposed update to the TUMF calculation process would provide agencies the option to have WRCOG calculate and collect TUMF. Agencies would also have the option of continuing with the current TUMF calculation, collection, and remittance process.

WRCOG staff presented a series of worksheets that would be used by member agencies to submit project-specific details to WRCOG for calculation of TUMF at the August 2018 Planning Directors and Public Works Committee meetings. Staff distributed proposed worksheets to members of each Committee for additional review and comment. Staff received comments on the proposed worksheets and incorporated requested changes into the revised worksheets, included as Attachments 1 through 3.

WRCOG staff would use the information provided by the member agency staff on the calculation worksheets to calculate the TUMF based on the fee per unit and number of units proposed for each development project. This amount would then be communicated to the developer for payment of TUMF. Once TUMF has been paid to WRCOG, a receipt would be forwarded to the developer and the appropriate member agency to notify the member agency staff that the TUMF requirement has been satisfied. This communication is key because member agencies have the ultimate authority to issue project approvals, including building permits or certificates of occupancy.

During the initial presentations on the item, staff received questions regarding the turnaround time for WRCOG to provide TUMF calculations to member agencies. WRCOG has staffing resources to accommodate calculation of TUMF for all member agencies and all calculations would be provided to member agencies within 48 hours, or no longer than one week for projects that require additional review. Additionally, all of the worksheets and calculations would be completed electronically.

Fee collection would also be electronic, allowing the developer to pay TUMF in an online web portal. This approach would be no different than the process for other regional fees, such as water district or school district fees, which are calculated and collected by these agencies.

The overall calculation process for these agencies would be as follows:



Reporting requirements for agencies that elect to have WRCOG calculate and collect TUMF would be dramatically simpler, as WRCOG staff would simply verify that calculation forms were submitted for all building permits issued. This review could occur on a monthly or annual basis. Agencies that choose to continue calculating and collecting TUMF would be required to continue the current monthly Remittance Report submittals and be subject to in-depth annual reports.

Frequently Asked Questions

WRCOG staff has received a number of questions on the proposed change to the TUMF calculation and collection process. Two of the most common questions, with answers, include:

- *Could developers submit fee calculation worksheets directly to WRCOG for agencies that elect to have WRCOG calculate and collect TUMF?* Developers would not be permitted to submit TUMF Calculation Worksheets directly to WRCOG to ensure that the information provided for calculation of TUMF accurately matches the member agency's understanding of the proposed project.
- *Would the Credit Agreement process change if WRCOG were to calculate and collect TUMF?* The Credit Agreement process would not significantly change, as member agencies are ultimately responsible for acceptance of infrastructure constructed pursuant to Agreements.
- *What happens if an agency wants to maintain the current process?* If an agency wishes to still calculate and collect TUMF, they may choose to do so. WRCOG would defer to each individual agency to determine how this formal notification would occur. Potential options could include a letter from the City Manager or even formal action by the elected body of the agency. Each agency will have the option to determine how to formally notify WRCOG which can include City Council/Board of Supervisors action or a formal letter from the agency.

Answers to additional frequently asked questions can be found in Attachment 4.

Proposed Implementation Schedule

Staff anticipates that this item will be presented to the Executive Committee at its October 8, 2018, meeting for review and action. If action is taken in October, implementation of the new calculation policy could proceed as follows:

October 1, 2018: Executive Committee takes action to update the TUMF Administrative Plan to change the policy in which TUMF is calculated to allow WRCOG to calculate TUMF on behalf of member agencies. The Executive Committee takes action on the amended TUMF Ordinance to have WRCOG calculate and collect TUMF for member agencies that elect to adopt the TUMF Ordinance.

October 2, 2018 – November 30, 2018: Agencies opt-into the new TUMF calculation and collection policy that would shift responsibility from the member agency to WRCOG. All agencies will be required to formally notify WRCOG of their approach – whether shifting responsibility of calculation and collection to WRCOG or maintaining responsibility of calculation and collection with the local jurisdiction.

December 2018 – March 2019: Governing body of each member agency interested in WRCOG calculation and collection of TUMF approves TUMF Ordinance Amendment.

April 1, 2019: WRCOG begins fee collection, contingent on member agency approval of the amended TUMF

Ordinance. Agencies would also have the option of adopting the amended TUMF Ordinance after April 1, 2019; however, WRCOG will not begin collecting fees until after the amended Ordinance is adopted.

Next Steps

Once approved by the Executive Committee, WRCOG will contact each WRCOG member agency through its TAC representative and ascertain their interest in delegating fee calculation and collection to WRCOG within 30 days. Staff will ask each agency to formally notify us of their intent to either retain fee calculation and collection responsibilities or delegate them to WRCOG. Each agency will be responsible for determining the appropriate means to determine their intent, whether it be through an administrative action, action of their legislative body, or some other approach. Once we have received notices from our member agencies, WRCOG will coordinate with those enrolling in the process to move forward on an update to their respective TUMF Ordinance. If a member agency chooses to maintain fee calculation and collection responsibilities, no further action would be needed by that agency. As noted above, the fee calculation and collection process will be formalized through the adoption of an updated TUMF Ordinance by those agencies wishing to do so.

Prior Actions:

- August 16, 2018: The Technical Advisory Committee recommended that the Executive Committee approve an option that would have WRCOG calculate and collect all project TUMF fees and exemptions.
- August 9, 2018: The Public Works Committee and the Planning Directors Committee reviewed and provided input on the proposed TUMF calculation policy change.
- May 17, 2018: The Technical Advisory Committee 1) recommended that the Executive Committee approve an option that would have WRCOG verify all project TUMF fees and verify exemptions; 2) directed staff to complete a comprehensive update to the TUMF Calculator Tool by August 2018; 3) directed staff to complete the TUMF Administrative Plan update with the process for implementing an option that would have WRCOG calculate all project TUMF fees and verify exemptions by August 2018.
- May 10, 2018: The Public Works Committee 1) recommended that the Executive Committee approve an option that would have WRCOG verify all project TUMF fees and verify exemptions; 2) directed staff to complete a comprehensive update to the TUMF Calculator Tool by August 2018; 3) directed staff to complete the TUMF Administrative Plan update with the process for implementing an option that would have WRCOG verify all project TUMF fees and verify exemptions by August 2018.

Fiscal Impact:

Transportation Department activities are included in the Agency's adopted Fiscal Year 2018/2019 Budget under the Transportation Department.

Attachments:

1. Draft TUMF Worksheet for Calculations.
2. Draft TUMF Worksheet for Exemptions.
3. Draft TUMF Worksheet for Defined Land Uses.
4. Frequently Asked Questions.
5. Draft Amendment to the TUMF Ordinance.
6. Draft TUMF Administrative Plan.

Item 6.C

Proposed New TUMF Calculation
Policy

Attachment 1

Draft TUMF Worksheet for
Calculations

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TUMF CALCULATION WORKSHEET

Project Title: _____

Project Address: _____

Permit Number: _____

Agency: _____

Exemption: ☐ No / ☐ Yes (please complete TUMF Exemption Worksheet for all exemptions)

Credit Agreement: ☐ No / ☐ Yes (Name of Agreement: _____)

Project Square Footage/# of Units: _____

Note: Please complete 1 worksheet per project use.

STANDARD PROJECT TYPES (Check one)

☐ Single-Family Residential

☐ Retail

☐ Multi-Family Residential

☐ Service

☐ Industrial

☐ Class A & Class B Office

TUMF CALCULATION HANDBOOK CATEGORIES (Check one & also complete TUMF Defined Land Use Worksheet)

☐ Transit Oriented Development

☐ Wholesale Nursery

☐ Active Senior Living

☐ Retail Nursery

☐ Fuel Filling Station

☐ High-Cube Warehouse/Distribution Center

☐ Congregate Care/Nursing Home

☐ Winery

☐ Mini-Warehouse/Rental Storage

☐ Electric Vehicle Supply Equipment Charging Station

☐ Golf Course

Please email Jessica May at jmay@wrcog.us or call 951-405-6713 with TUMF calculation-related questions.

CERTIFICATION

Under penalty of perjury, I certify that the above is a true and accurate project description for purposes of calculating TUMF.

Name: _____

Date: _____

Signature: _____

WRCOG STAFF USE ONLY

Calculated TUMF Fee Due: _____

WRCOG Staff Signature: _____

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Item 6.C

Proposed New TUMF Calculation Policy

Attachment 2

Draft TUMF Worksheet for Exemptions

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TUMF EXEMPTION WORKSHEET

Project Name: _____

Permit Number: _____

EXEMPTION TYPE	DOCUMENTATION REQUIRED
☐ Low-Income Residential Housing	☐ <u>Rental Housing</u> : Restriction to lower-income households for period of 55-years after issuance of Certificate of Occupancy ☐ <u>For-Sale Units</u> : Restriction to ownership by persons and families of low or moderate income for at least 45-years after issuance of Certificate of Occupancy
☐ Government/Public Buildings, Schools, or Facilities	☐ Proof of payment of prevailing wage rates for project construction ☐ Copy of Long-term lease with a government agency ☐ Copy of deed restriction limiting use to government/public facility for minimum 20 years
☐ Development Agreement (<i>must be on WRCOG-approved list</i>)	☐ Copy of Development Agreement
☐ Rehabilitation/Reconstruction of Habitable Structures, with replacement in-kind	☐ Proof of existence prior to January 1, 2000 ☐ Project plans/description, showing replacement in-kind
☐ Rehabilitation/Reconstruction of Habitable Structures, credit for previous structure	☐ Proof of existence prior to January 1, 2000 ☐ Square footage/# of units of structure to be demolished on-site: _____
☐ "Guest Dwellings" and "Detached Second Units"	☐ Lot zoned for and contains existing single-family residence ☐ Second dwelling located on same lot as existing dwelling
☐ Additional Single-Family Residential Units on the Same Parcel as Existing	☐ Copy of agricultural zoning classifications ☐ Site plan, showing existing single-family unit
☐ Kennels and Catteries on Existing Single Family Residence	☐ Site plan, showing existing single-family unit
☐ Non-Revenue Generating Sanctuary/Activity at House of Worship	☐ Project description
☐ Non-Profit Corporation/Organization Offering Full-Time Day School	☐ Proof of organization's 501(c)(3) status/documentation that no profit will be generated by the use
☐ New Single-Family Homes for Veterans	☐ Proof of organization's 501(c)(3) status

Please email Jessica May at jmay@wrcog.us or call 951-405-6713 with TUMF calculation-related questions.

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Item 6.C

Proposed New TUMF Calculation
Policy

Attachment 3

Draft TUMF Worksheet for Defined
Land Uses

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TUMF DEFINED LAND USE WORKSHEET
Project Name and Number: _____

PROJECT TYPE	DOCUMENTATION REQUIRED
☐ Transit Oriented Development	Site plan showing: ☐ Residential use of not less than 50% of total floorspace; ☐ Maximum number of parking spaces. Location Map showing: ☐ One convenience retail store selling food within ½ mile of development; ☐ Seven eligible diverse uses within ½ mile of development, including previously described food retail store.
☐ Active Senior Living	☐ Documentation showing a minimum 20 dwelling units in community; ☐ Local zoning/governing documents characterizing development as senior citizen housing pursuant to Cal. Civ. Code §51.11; ☐ Occupancy restriction statement pursuant to Cal. Bus. & Prof. Code §11010.05 [2016].
☐ Fuel Filling Station	Total number of fuel filling positions: _____ Note: number of "fuel filling positions" = number of cars that can be fueled at the same time Total gross floor area of buildings: _____
☐ Congregate Care/Nursing Home	Total number of beds: _____
☐ Mini-Warehouse/Rental Storage	Total site area (acres): _____
☐ Golf Course	Total number of holes: _____ Total gross floor area of buildings (SF): _____
☐ Wholesale or Retail Nursery	Total site area (acres): _____ Total gross floor area of buildings (SF): _____
☐ High-Cube Warehouse/ Distribution Center	Total gross floor area of buildings (SF): _____
☐ Winery	Total gross floor area of tasting room and/or associated ancillary uses (SF): _____ Total gross floor area of all buildings (SF): _____
☐ Electric Vehicle Supply Equipment Charging Station	Total number of publicly accessible ESVE units: _____

Please email Jessica May at jmay@wrcog.us or call 951-405-6713 with TUMF calculation-related questions.

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Item 6.C

Proposed New TUMF Calculation Policy

Attachment 4

Frequently Asked Questions

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Transportation Uniform Mitigation Fee (TUMF) Frequently Asked Questions TUMF Process

WRCOG's Transportation Uniform Mitigation Fee (TUMF) Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in western Riverside County. WRCOG administers the program in partnership with its member agencies. Each member agency elects to participate in the TUMF Program through adoption of an ordinance and membership in WRCOG.

In an effort to create additional efficiencies in the TUMF Program, WRCOG is pursuing a revision in the TUMF process to give member agencies the option to shift responsibility of calculation and collection of TUMF from the member agency to WRCOG.

Below are responses to some "Frequently Asked Questions" regarding the proposed revision. Please do not hesitate to contact Christopher Gray, Director of Transportation at cgray@wrcog.us or at 951-405-6710 if you have additional questions.

Question: ***Why is WRCOG proposing a change to the TUMF process?***

Response: A number of calculation issues have arisen throughout the history of the TUMF Program, which has led to time consuming and expensive resolution processes for both WRCOG and member agency staff. Ultimately, the member agency is responsible for confirmed calculation errors. Staff's interpretation is that these types of issues will continue to arise without an update to the TUMF calculation policy.

Question: ***Can an agency continue to calculate and collect TUMF within its boundaries?***

Response: Yes. Two options are currently proposed by WRCOG staff:

1. No change to the current process – A member agency will continue to calculate and collect TUMF, before remitting TUMF to WRCOG on a monthly basis; or
2. WRCOG calculates and collects TUMF on behalf of the member agency.

Each member agency will be required to commit to either Option 1 or 2.

Question: *What would the new process entail?*

Response: Developers would work with member agency staff to complete TUMF Calculation Worksheets with project-specific information for submittal to WRCOG staff for fee calculation. WRCOG staff would review submitted TUMF Calculation Worksheets and provide a TUMF fee assessment or feedback within 48 hours. This submittal process would be completed electronically.

TUMF fee collection would still occur at either building permit or certificate of occupancy issuance. Developers would have the option of paying fees online or in-person at the WRCOG offices. WRCOG staff would send receipt of TUMF payment to the respective member agency for agency issuance of building permit or certificate of occupancy.

Question: *Why should a local agency support this change?*

Response: This approach provides three significant benefits. First, there will be a significant reduction in local agency staff time required to calculate and collect the TUMF. Second, there will no longer be the need for extensive end of the year audits. Third, agencies who delegate this responsibility to WRCOG will no longer be responsible for any errors or omissions related to TUMF.

It is important to understand that agency's bear the responsibility for any errors related to TUMF calculations. In the instances in which TUMF is miscalculated, an agency is ultimately responsible to pay WRCOG for the difference between the collected fee and the fee due. Sometimes, it may not be possible for an agency to collect this amount since the development project has already been approved and may already be operational.

Question: *Does the Mitigation Fee Act allow for WRCOG to calculate and collect TUMF?*

Response: The Mitigation Fee Act does not prohibit WRCOG from calculating, verifying, or collecting TUMF on behalf of its member agencies. In fact, other regional fee programs which were based on the TUMF already implement this approach, such as the Fresno COG Regional Fee Program.

The TUMF Ordinance will be amended to allow WRCOG to calculate and collect TUMF. The governing body of each member agency will be required to approve a TUMF Ordinance Amendment to allow WRCOG to calculate and collect TUMF if the agency elects to have WRCOG take responsibility for fee calculation and collection within its boundaries.

Question: *Does this mean that WRCOG is taking over land use control from local agencies?*

Response: No. Local agencies will maintain their current responsibilities in terms of reviewing and approving development projects. WRCOG will simply calculate the TUMF and collect the fee for those local agencies who chose to go this route.

This approach is no different than other regional fees such as Water District and School District fees, which are calculated and collected by these agencies.

Question: *Would the TUMF assessment on new development continue to occur at issuance of building permit?*

Response: Yes. TUMF would generally continue to be assessed at issuance of building permit; however, developers would also continue to have the option of deferring TUMF payment until final inspection or certificate of occupancy. The fees assessed shall be based on the fee amounts in effect at the time that the payment is due under the TUMF Ordinance adopted by each member agency.

Question: *Could developers submit fee calculation worksheets directly to WRCOG?*

Response: No. Member agency staff would be required to submit TUMF Calculation Worksheets to WRCOG to ensure that the information provided on the Calculation Worksheet for calculation of TUMF accurately matches the proposed development project. This is important because member agencies would still have the ultimate authority to issue project approvals including building permits or certificates of occupancy.

Question: *How would the TUMF be determined by WRCOG?*

Response: Neither fee levels or calculation methodologies would change at this time as a result of the updated fee calculation and collection policy. WRCOG staff would continue to use fee levels outlined in the 2016 Nexus Update, as approved by the WRCOG Executive Committee on July 10, 2017. The proposed Calculation Worksheets for submittal to WRCOG are based on existing methodology outlined in the TUMF Fee Calculation Handbook.

Once Calculation Worksheets would be submitted by member agency staff to WRCOG, WRCOG staff would calculate the TUMF based on the fee per unit and number of units proposed by a development project. This amount would then be communicated to the developer for payment of TUMF. Once TUMF has been paid to WRCOG, a receipt would be forwarded to the appropriate member agency staff and to the developer to notify the member agency that the TUMF requirement has been satisfied.

Question: *Would developers be required to go to the WRCOG office for payment of TUMF?*

Response: No. Developers would have the option to pay TUMF fees via a convenient online portal. In-person TUMF payment would also be available at the WRCOG office.

Question: *Would developers still have the option of entering Credit Agreements? Would this process change?*

Response: The Credit Agreement process would not significantly change. Credit Agreements would still be executed between member agencies and developers, as member agencies would ultimately be responsible for the acceptance of the infrastructure constructed pursuant to the Credit Agreement.

WRCOG staff would track administration of credits pursuant to each Credit Agreement as building permits tied to an Agreement are pulled.

Question: *What would WRCOG's response time be for calculation of TUMF?*

Response: WRCOG will commit to a 48-hour response time for TUMF fee calculations. The majority of projects will be straightforward, and a calculation would be available within this time period. For more complicated projects, WRCOG staff will initiate discussion with member agency staff within 48 hours. The turnaround time on these types of requests is currently less than a single day.

WRCOG staff has the capacity to calculate and collect TUMF. It is important to note that staff currently spends a significant amount of time working with member agency staff and developers after errors in TUMF calculation have been made and fees have been collected. This new proactive approach would avoid mistakes up-front, making the process more efficient and straight-forward for all parties involved.

Question: *Could a developer appeal WRCOG's calculation of TUMF?*

Response: Yes. The appeal process currently requires developers to pay TUMF in protest and then bring their concerns to the applicable City Council prior to formally bringing their concerns to WRCOG. Therefore, it can take several weeks for an appeal to reach WRCOG, and several more weeks before a decision can be made.

The appeal process would be significantly simplified through the WRCOG calculation and collection of TUMF, because developers would have the option to bring appeals directly to WRCOG. WRCOG staff would continue to coordinate with member agency staff to resolve appeals.

Question: *How would this change impact reporting/annual review requirements?*

Response: Because WRCOG would be responsible for TUMF calculation and collection, WRCOG staff would simply verify that TUMF Calculation Worksheets were submitted for all building permits issued within a given time period.

This would significantly streamline the process as the current process involves planning and finance staff time gathering relevant information such as receipts of TUMF payment, building permits, and Remittance Reports.

Question: *When could these changes take effect?*

Response: These proposed changes are currently being discussed in several of WRCOG's committees. A tentative schedule of implementation is shown below:

October 2018: WRCOG Executive Committee takes action to update the TUMF Administrative Plan to have WRCOG calculate TUMF for all member agencies. The WRCOG Executive Committee will also take action on the amended TUMF Ordinance to have WRCOG calculate and collect TUMF for member agencies that elect to adopt the TUMF Ordinance.

Once the Executive Committee takes action on a revised TUMF process for calculation and collection, member agencies would have thirty days to notify the WRCOG Executive Director if they intend to opt-in to have WRCOG collect fees.

November 2018: Calculation policy takes effect on predetermined date; for example, November 1, 2018.

November 2018 – March 2019: Governing body of each member agency interested in WRCOG collection of TUMF approves TUMF Ordinance Amendment.

April 1, 2019: WRCOG begins fee collection, contingent on member agency approval of the amended TUMF Ordinance. Agencies would also have the option of adopting the amended TUMF Ordinance after April 1, 2019; however, WRCOG will not begin collecting fees until after the amended Ordinance is adopted.

Question: *What happens if an agency wants to maintain the current process?*

Response: If an agency wishes to still calculate and collect TUMF, they may choose to do so. We simply ask that each agency formally notify WRCOG of their intended approach so that staff can work with those agencies who wish to delegate fee calculation and collection to WRCOG.

WRCOG would defer to each individual agency to determine how this formal notification would occur. Potential options could include a letter from the City Manager or even formal action by the elected body of the agency. Each agency will have the option to determine how to formally notify WRCOG which can include City Council/Board of Supervisors action or a letter from the City.

WRCOG is also developing new tools, such as the online fee estimator, and new reporting procedures to limit future miscalculations and streamline the process. Agencies which choose to calculate and collect TUMF should be aware that WRCOG will be requesting additional information for each fee calculation to reduce the number of errors below their current level.

Question: ***What if my agency chooses not to delegate fee calculation and collection to WRCOG at this time? Will there be future opportunities to participate in this effort?***

Response: WRCOG will be reaching out to each agency after the Executive Committee takes action in October to determine whether they want to allow WRCOG to calculate and collect the fee or retain this responsibility. Based on the schedule above, we anticipate that fee calculation and collection will take effect in April 2019.

For those agencies who may wish to wait on making this decision, WRCOG will provide future opportunities for agencies who may delegate fee calculation and collection to WRCOG in the future. We anticipate that the process would proceed as follows:

- On January 1 of each year, WRCOG will distribute a letter to each member agency that continues to calculate and collect TUMF
- This letter will ask the agency whether they plan to delegate this task to WRCOG
- If the agency elects to delegate this task, then WRCOG will work with that agency with an amended TUMF Ordinance to implement this change
- If there is no change, then no further action is necessary

Question: ***How can I find out more about WRCOG's TUMF Program?***

Response: To learn more about WRCOG's TUMF Program, please refer to the WRCOG website at www.wrcog.us and select the TUMF link. To request a meeting or presentation, please contact Christopher Gray, WRCOG Director of Transportation, at cgray@wrcog.us or at 951-405-6710.

Item 6.C

Proposed New TUMF Calculation
Policy

Attachment 5

Draft Amendment to the TUMF
Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF _____ AMENDING
ORDINANCE NO. _____ TO INCLUDE A PROCESS FOR WRCOG CALCULATION AND
COLLECTION OF FEES UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION
UNIFORM MITIGATION FEE (TUMF) PROGRAM

The City Council of the City of _____, California “(City)” ordains as follows:

Section 1. Title.

This Ordinance shall be known as Amendment No. 1 to the “Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2017” (“Ordinance”).

Section 2. Findings.

A. The City is a member agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside and 18 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the “Regional System”) could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development.

B. WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to adopt a process in which WRCOG calculates and collects TUMF on behalf of member agencies under the Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2018.

C. The findings set forth in Ordinance No. ____ remain true and correct, and by this reference are incorporated into this Ordinance No. ____ as if set forth in full herein. This Ordinance No. ____ shall amend and supersede the provisions of Ordinance No. ____, and to the extent any provisions herein conflict with any provisions of Ordinance No. ____ or any other ordinance of the City, the City Council finds and determines that it is the intent of the City Council that the provisions herein shall control.

Section 3. Definitions.

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings:

A. **“Class ‘A’ Office”** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class ‘A’ Office shall be as follows: (i) minimum of three stories (exception will be made for March JPA, where height requirements exist); (ii) minimum of 10,000 square feet per floor; (iii) steel frame construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor

may be accessed from the street to provide entrances/ exits for commercial uses within the building.

B. **“Class ‘B’ Office”** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class ‘B’ Office shall be as follows: (i) minimum of two stories; (ii) minimum of 15,000 square feet per floor; (iii) steel frame, concrete or masonry shell construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/exits for commercial uses within the building.

C. **“Development Project” or “Project”** means any project undertaken for the purposes of development, including the issuance of a permit for construction.

D. **“Gross Acreage”** means the total property area as shown on a land division of a map of record, or described through a recorded legal description of the property. This area shall be bounded by road rights of way and property lines.

E. **“Habitable Structure”** means any structure or part thereof where persons reside, congregate or work and which is legally occupied in whole or part in accordance with applicable building codes, and state and local laws.

F. **“Industrial Project”** means any development project that proposes any industrial or manufacturing use allowed in the following Ordinance No. _____ zoning classifications: I-P, M-S-C, M-M, M-H, M-R, M-R-A, A-1, A-P, A-2, A-D, W-E, or SP with one of the aforementioned zones used as the base zone.

G. **“Low Income Residential Housing”** means “Residential Affordable Units”: (A) for rental housing, the units shall be made available, rented and restricted to “lower income households” (as defined in Health and Safety Code Section 50079.5) at an “affordable rent” (as defined in Health and Safety Code Section 50053),). Affordable units that are rental housing shall be made available, rented, and restricted to lower income households at an affordable rent for a period of at least fifty-five (55) years after the issuance of a certificate of occupancy for new residential development. and (B) for for-sale housing, the units shall be sold to “persons or families of low or moderate income” (as defined in Health and Safety Code Section 50093) at a purchase price that will not cause the purchaser’s monthly housing cost to exceed “affordable housing cost (as defined in Health and Safety Code Section 50052.5) Affordable units that are for-sale housing units shall be restricted to ownership by persons and families of low or moderate income for at least forty-five (45) years after the issuance of a certificate of occupancy for the new residential development.

H. **“Multi-Family Residential Unit”** means a development project that has a density of greater than eight (8) residential dwelling units per gross acre.

I. **“Non-Residential Unit”** means retail commercial, service commercial and industrial development which is designed primarily for non-dwelling use, but shall include hotels and motels.

J. **“Recognized Financing District”** means a Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

K. **“Residential Dwelling Unit”** means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. “Residential Dwelling Unit” shall not include hotels or motels.

L. **“Retail Commercial Project”** means any development project that proposes any retail commercial activity use not defined as a service commercial project allowed in the following Ordinance No. _____ classifications: R-1, R-R, R-R-O, R-1-A, R-A, R-2, R-2-A, R-3, R-3-A, R-T, R-T-R, R-4, R-5, R-6, C-1/C-P, C-T, C-P-S, C-R, C-O, R-V-C, C-V, W-2, R-D, N-A, W-2-M, W-1, or SP with one of the aforementioned zones used as the base zone, which can include any eating/dining facility residing on the retail commercial development premises.

M. **“Service Commercial Project”** means any development project that is predominately dedicated to business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal, and medical offices eating/dining facilities, and other uses related to personal or professional services.

N. **“Single Family Residential Unit”** means each residential dwelling unit in a development that has a density of eight (8) units to the gross acre or less.

O. **“TUMF Participating Jurisdiction”** means a jurisdiction in Western Riverside County which has adopted and implemented an ordinance authorizing participation in the TUMF Program and complies with all regulations established in the TUMF Administrative Plan, as adopted and amended from time to time by the WRCOG.

P. **“Disabled Veteran”** means any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.

Q. **“Government/public buildings, public schools, and public facilities”** means any owned and operated facilities by a government entity in accordance with Section G. Exemptions, Subsection 2. of this Ordinance. A new development that is subject to a long-term lease with a government agency for government/public buildings, public schools, and public facilities shall apply only if all of the following conditions are met:

(a) The new development being constructed is subject to a long-term lease with a government agency.

(b) The project shall have a deed restriction placed on the property that limits the use to government/public facility for the term of the lease, including all extension options, for a period of not less than 20 years. Any change in the use of the facility from government shall trigger the payment of the TUMF in effect at the time of the change is made.

(c) No less than ninety percent of the total square footage of the building is leased to the government agency during the term of deed restriction the long term and any extensions thereof.

(d) The new development is constructed at prevailing wage rates.

(e) A copy of the lease is provided to the applicable jurisdiction and to WRCOG.

(f) Based on the facts and circumstances WRCOG determines that the intent of the lease is to provide for a long-term government use, and not to evade payment of TUMF.

R. **“Non-profit Organization”** means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program, the non-profit may be a 501(c) (3) charitable organization as defined by the Internal Revenue Service.

S. **“Long-Term Lease”** as used in the TUMF Program, a “long-term lease” shall mean a lease with a term of no less than twenty years.

T. **“Mixed-Use Development”** as used in the TUMF Program, means Developments with the following criteria: (1) three or more significant revenue-producing uses, and (2) significant physical and functional integration of project components.

U. **“Guest Dwellings” and “Detached Second Units”** according to the State of California legal definition as following: 1) The second unit is not intended for sale and may be rented; 2) The lot is zoned for single-family dwellings; 3) The lot contains an existing single-family dwelling; 4) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling; and 5) Are ministerially amended by each jurisdiction’s local codes.

V. **“TUMF Administrative Plan”** means that the TUMF Administration Plan adopted by the WRCOG Execution Committee May 5, 2003, as amended, setting forth detailed administration procedures and requirements for the TUMF program.

Section 4. Establishment of the Transportation Uniform Mitigation Fee.

A. **Adoption of TUMF Schedule.** The City Council shall adopt an applicable TUMF schedule through a separate resolution, which may be amended from time to time.

B. **Fee Calculation.** The fees shall be calculated by WRCOG according to the calculation methodology fee set forth in the WRCOG TUMF Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. In addition to data in the Fee Calculation Handbook, WRCOG Staff may consider the following items when establishing the appropriate fee calculation methodology:

- Underlying zoning of the site
- Land-use classifications in the latest Nexus Study
- Project specific traffic studies
- Latest Standardized reference manuals such as the Institute of Traffic Engineers Trip Generation Manual
- Previous TUMF calculations for similar uses
- WRCOG staff shall approve final draft credit / reimbursement agreement prior to execution

WRCOG shall have final determination regarding the appropriate methodology to calculate the fee based on the information provided by the local agency. In case of a conflict between the applicant, WRCOG, and/or the local agency regarding the fee calculation methodology, the dispute resolution process in the TUMF Administrative Plan will apply.

C. **Fee Adjustment.** The fee schedule may be periodically reviewed and the amounts adjusted by the WRCOG Executive Committee. By amendment to the Resolution reference is subsection A, above, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the Regional System including, but not limited to, debt service, lease payments and construction costs. The adjustment of the fees may also reflect changes in the facilities required to be constructed, in estimated revenues received pursuant to this Ordinance, as well as the availability or lack thereof of other funds with which to construct the Regional System. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of this Ordinance.-

D. **Purpose.** The purpose of the TUMF is to fund those certain improvements to the Regional System as depicted in Exhibit "A" and identified in the 2016 Nexus Study, Exhibit "B."

E. **Applicability.** The TUMF shall apply to all new development within the City, unless otherwise exempt hereunder.

F. **Exemptions.** The following types of new development shall be exempt from the provisions of this Ordinance and in TUMF Administrative Plan:

1. Low income residential housing as described in Section 3 Definitions, Subsection G of this Ordinance and in the TUMF Administrative Plan.
2. Government/public buildings, public schools, and public facilities as described in Section 3. Definitions, Subsection Q. of this Ordinance and in the TUMF Administrative Plan. Airports that are public use airports and are appropriately permitted by Caltrans or other state agency.
3. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code section 65864 *et seq.* prior to the effective date of Ordinance No. _____[insert number. of original TUMF Ordinance], wherein the imposition of new fees are expressly prohibited, provided that if the term of such a Development Agreement is extended by amendment or by any other manner after the effective date of Ordinance No. _____[insert number. of original TUMF Ordinance], the TUMF shall be imposed.
4. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.
5. Guest Dwellings and Detached Second Units as described in this Ordinance in Section 3. Definitions, Subsection U. and in the Administrative Plan
6. Kennels and Catteries established in connection with an existing single family residential unit.
7. Any sanctuary, or other activity under the same roof of a church or other house of worship that is not revenue generating and is eligible for a property tax exemption (excluding concert venues, coffee/snack shops, book stores, for-profit pre-school day-cares, etc., which would be assessed TUMF.)

8. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.

9. New single-family homes, constructed by non-profit organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.”

10. Other uses may be exempt as determined by the WRCOG Executive Committee as further defined in the TUMF Administrative Plan.

G. **Credit.** Regional System improvements may be credited toward the TUMF in accordance with the TUMF Administrative Plan and the following:

Regional Tier

i. **Arterial Credits:** If a developer constructs arterial improvements identified on the Regional System, the developer shall receive credit for all costs associated with the arterial component based on approved Nexus Study for the Regional System effective at the time the credit agreement is entered into. WRCOG staff must pre-approve any credit agreements that deviate from the standard WRCOG approved format.

ii. **Other Credits:** In special circumstances, when a developer constructs off-site improvements such as an interchange, bridge, or railroad grade separation, credits shall be determined by WRCOG and the City in consultation with the developer. All such credits must have prior written approval from WRCOG.

iii. The amount of the development fee credit shall not exceed the maximum amount determined by the Nexus Study for the Regional System at the time the credit agreement is entered into or actual costs, whichever is less.

Local Tier

i. The local jurisdictions shall compare facilities in local fee programs against the Regional System and eliminate any overlap in its local fee program except where there is a Recognized Financing District has been established.

ii. If there is a Recognized Financing District established, the local agency may credit that portion of the facility identified in both programs against the TUMF in accordance with the TUMF Administrative Plan.

Section 5. Reimbursements.

Should the developer construct Regional System improvements in excess of the TUMF fee obligation, the developer may be reimbursed based on actual costs or the approved Nexus Study effective at the time the agreement was entered into, whichever is less. Reimbursements shall be enacted through an agreement between the developer and the City, contingent on funds being available and approved by WRCOG. In all cases, however, reimbursements under such special agreements must coincide with construction of the transportation improvements as scheduled in the five-year Zone Transportation Improvement Program’s adopted annually by WRCOG.

Section 6. Procedures for the Levy, Collection and Disposition of Fees.

A. **Authority of the Building Department.** The Director of Building & Safety, or his/her designee, is hereby authorized to provide WRCOG with development project specifics for the calculation of TUMF in a manner consistent with the TUMF Administrative Plan.

B. **Payment.** Payment of the fees shall be as follows:

i. The fees shall be paid at the time a certificate of occupancy is issued for the Development Project or upon final inspection, whichever comes first (the "Payment Date"). However this section should not be construed to prevent payment of the fees prior to issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a building permit, and the fee payment shall be calculated based on the fee in effect at that time, provided the developer tenders the full amount of his/her TUMF obligation. If the developer makes only a partial payment prior to the Payment Date, the amount of the fee due shall be based on the TUMF fee schedule in place on the Payment Date. The fees shall be calculated according to fee schedule set forth in the Ordinance and the calculation methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time.

ii. The fees required to be paid shall be the fee amounts in effect at the time of payment is due under this Ordinance, not the date the Ordinance is initially adopted. The City shall not enter into a development agreement which freezes future adjustments of the TUMF.

iii. If all or part of any development project is sold prior to payment of the fee, the property shall continue to be subject to the requirement for payment of the fee. The obligation to pay the fee shall run with the land and be binding on all the successors in interest to the property.

iv. Fees shall not be waived.

C. **Collection of Fees.** All fees collected hereunder shall be collected by WRCOG for deposit, investment, accounting and expenditure in accordance with the provisions of this Ordinance, TUMF Administrative Plan, and the Mitigation Fee Act.

D. **Appeals.** Appeals shall be filed with WRCOG in accordance with the provisions of the TUMF Administrative Plan. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, application of the legal action stay and application of exemption.

E. **Reports to WRCOG.** The Director of Building and Safety, or his/her designee, shall prepare and deliver to the Executive Director of WRCOG, periodic reports as will be established under Section 7 of this Ordinance.

Section 7. Appointment of the TUMF Administrator.

WRCOG is hereby appointed as the Administrator of the Transportation Uniform Mitigation Fee Program. WRCOG is hereby authorized to collect all fees generated from the TUMF within the City, and to invest, account for and expend such fees in accordance with the provisions of this Ordinance and the Mitigation Fee Act. The detailed administrative procedures concerning the implementation of this Ordinance shall be contained in the TUMF Administrative Plan. Furthermore, the TUMF Administrator shall use the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time, for the purpose of calculating a developer's TUMF obligation. In addition to detailing the methodology for calculating all TUMF obligations of different categories of new development, the purpose of the Fee Calculation Handbook is to

clarify for the TUMF Administrator, where necessary, the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances.

WRCOG shall expend only that amount of the funds generated from the TUMF for staff support, audit, administrative expenses, and contract services that are necessary and reasonable to carry out its responsibilities and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the revenue raised by the TUMF Program. The TUMF Administrative Plan further outlines the fiscal responsibilities and limitations of the Administrator.

Section 8. Effect.

No provisions of this Ordinance shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment. This Ordinance does not create any new TUMF.

Section 9. Severability.

If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 10. No Procedural Defenses.

Prohibition of Jurisdictions from raising procedural defenses, including without limitation a statute of limitations, laches, the California Government Tort Claims Act, and necessary parties in a dispute with WRCOG regarding the matters set forth herein.

Section 11. Judicial Review.

In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within _____ days of the date of adoption of this Ordinance.

Section 12. Ordinance No.

This Ordinance supersedes the provisions of Ordinance No. _____ provided this Ordinance is not declared invalid or unenforceable by a court of competent jurisdiction. If, for whatever reason, this Ordinance is declared invalid or unenforceable by a court of competent jurisdiction, Ordinance No. _____ all other related ordinances and policies shall remain in full force and effect.

Section 13. Effective Date.

This Ordinance shall take effect on XXXXXXXXXX.

MOVED AND PASSED upon this ____ day of ____ 2018, by the following vote:
AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

EXHIBIT “A”

MAP OF REGIONAL SYSTEM

DRAFT

EXHIBIT “A”

EXHIBIT “B”

NEXUS STUDY

DRAFT

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Item 6.C

Proposed New TUMF Calculation
Policy

Attachment 6

Draft TUMF Administrative Plan

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Transportation Uniform Mitigation Fee

DRAFT

ADMINISTRATIVE PLAN

October __, 2018



PREPARED BY THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
RIVERSIDE COUNTY ADMINISTRATIVE CENTER ANNEX
4080 LEMON STREET, 3RD FLOOR, MS 1032
RIVERSIDE, CALIFORNIA, 92501-3609
PHONE (951) 955-7985
FAX (951) 787-7991

Western Riverside Council of Governments (WRCOG)

***Administrative Plan for the Western Riverside County
Transportation Uniform Mitigation Fee (TUMF) Program***

TABLE OF CONTENTS

	Page
Preamble	1
I. Purpose	2
II. Authority	2
III. Imposition of and Participation in the TUMF Program	2
IV. Allocation of Funds	5
V. Administration of the Program	5
VI. Administration of Credits	5
VII. Administration of Reimbursements	5
VIII. Administrative Responsibilities	5
IX. Administrative Costs	11
X. Appeals	12
XI. Arbitration	13
XII. TUMF Program Amendments	13
XIII. CEQA	14

	Page
Exhibits:	
A. TUMF Decision Making Process	16
B. Guidelines for the Administration of the Programmed Projects in the Zone's 5-Year Transportation Improvement Program	17
C. Criteria, Evaluation Thresholds and Points Chart.....	22
D. TUMF Program Definitions	23
E. TUMF Program Exemptions.....	26
F. TUMF Credit/Reimbursement Manual.....	27

***Administrative Plan for the
Western Riverside County Transportation Uniform Mitigation Fee
(TUMF) Program***

Preamble

Future development within Western Riverside County will result in traffic volumes exceeding the capacity of the Regional System of Highways and Arterials (RSHA or Regional System) as it presently exists. The Regional System needs to be expanded to accommodate anticipated future growth; current funds are inadequate to construct the Regional System needed to avoid the unacceptable levels of traffic congestion and related adverse impacts.

The TUMF Program provides significant additional funds from new development to make improvements to the Regional System, complementing funds generated by Measure A, local transportation fee programs, and other potential funding sources. By establishing a fee on new development in the sub-region, local agencies have established a mechanism by which developers effectively contribute their “fair share” toward sustaining the regional transportation system. This is a twenty-five year program and is influenced by a variety of market factors that could cause a shortfall or surplus in the revenue projections. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of the 2016 TUMF Program Ordinance. Additionally, WRCOG will bring forward, on an annual basis, a Construction Cost Index Adjustment to the TUMF in effect at the time for review and action by the WRCOG Executive Committee. The Program is not designed to be the only source of revenue to construct the identified facilities, and it will be necessary for matching funds from a variety of available sources to be provided.

It is the intent that TUMF requirements may be met by paying cash, building eligible facilities or through public financing, such as Community Facility Districts and Assessment Districts, or private financing vehicles consistent with local jurisdiction policies.

General TUMF Program parameters, definitions and procedures are described in the TUMF Program Ordinance adopted by participating Western Riverside County jurisdictions. The Western Riverside Council of Governments (WRCOG) is designated as the TUMF Program Administrator, and as such will work closely with member jurisdictions, the Riverside County Transportation Commission (RCTC), the Riverside Transit Agency (RTA), and Riverside County Regional Conservation Authority (RCA) to coordinate the TUMF expenditures to maximize the effectiveness of future transportation investments. As the Program Administrator, WRCOG, agrees to indemnify, defend and hold harmless any TUMF Program participant, and its respective agents, officers, members, officials, employees, and attorneys, whose TUMF Ordinance is challenged in court, from and against all claims, liabilities, damages, or costs of any kind whatsoever, including attorneys’ fees and court costs; provided, however, that such indemnity and defense shall not extend or apply to challenges alleging procedural defects in the adoption and implementation of the TUMF Ordinance.

“TUMF Administrative Plan” means the Administrative Plan for the Western Riverside County TUMF Program prepared by WRCOG dated March 24, 2003, in substantially the form approved by the WRCOG Executive Committee on April 7, 2003, as may be amended from time to time, provided that, any material amendments to the TUMF Administrative Plan shall be approved by WRCOG Executive Committee.”

This Administrative Plan serves as the guideline to implement the TUMF Program and will be amended as needed to address changing conditions over the life of the Program.

- I. **Purpose** - The Purpose of this Administrative Plan is to provide those jurisdictions and agencies that are participants in TUMF Program with guidelines and policies for implementation of the TUMF Program. This Administrative Plan specifies implementation and responsibilities for the TUMF Program.

TUMF Program funds may only be used for capital expenditures associated with the Regional System of Highways and Arterials and for capital expenditures for transit system improvements consistent with the TUMF Nexus Study. These purposes include expenditures for the planning, environmental review, engineering and design costs, right of way acquisition, and administrative costs.

- II. **Authority** - The TUMF Program applies to those jurisdictions in Western Riverside County (County of Riverside and the Cities of Banning, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar and the March Joint Powers Authority (JPA)) that have adopted and are implementing the TUMF Program Ordinance. The TUMF Program has been developed pursuant to and consistent with authority provided in the requirements of California Government Code Chapter 5 Section 66000-66008 Fees for Development Projects also known as California Assembly Bill 1600 (AB 1600 or the Mitigation Fee Act), which governs the assessment of development impact fees in California. The Mitigation Fee Act requires that all local agencies in California, including cities, counties, and special districts follow three basic rules when instituting impact fees as follows:

- A. Establish a nexus or reasonable relationship between the development impact fee's use and the type of project for which the fee is required;
- B. The fee must not exceed the project's proportional "fair share" of the proposed improvement; and
- C. The fee cannot be used to correct current problems or to make improvements for existing development.

- III. **Imposition of and Participation in the TUMF Program** - Participating jurisdictions in Western Riverside County are responsible for adopting and enforcing all provisions of the TUMF Ordinance and calculating and collecting fees on new development within their jurisdictions. However, participating jurisdictions may adopt the amendment to the TUMF Ordinance (Amendment) which shall designate and authorize WRCOG to calculate and collect the TUMF on such participating jurisdiction's behalf.

To be considered a participant in the TUMF Program, WRCOG Member Agencies which existed in 2003 must have an effective date for the TUMF Ordinance of no later than June 1, 2003. Any Member Agency formed after 2003 must enact the TUMF Model Ordinance and any amendments thereto upon incorporation. All Member Agency must adopt any amendment of the TUMF Ordinance within ninety (90) days of approval by the WRCOG Executive Committee unless otherwise directed by the WRCOG Executive Committee. Participating jurisdictions shall not repeal or modify the Model TUMF Ordinance, except that modifications are permitted to meet local municipal codes and references. Further, in order to be considered a participating jurisdiction, local jurisdictions shall collect the full TUMF and transmit the fee to WRCOG as provided

herein, or shall authorize WRCOG to collect TUMF on its behalf pursuant to the Amendment.

Those jurisdictions that have ordinances with an effective date after June 1, 2003, or opt out of the TUMF Program and decide to participate at a later date must remit to WRCOG the amount of TUMF Program revenue for new development that was not collected by the jurisdiction. In order to verify the amount of revenue that would have been collected during the period in which a jurisdiction did not participate, said jurisdiction shall provide WRCOG with an annual report of building permit activity by the land uses identified in the Nexus Study. The remittance of the fee shall be accomplished in a lump sum payment unless other arrangements are agreed to in writing by WRCOG Executive Committee. Those jurisdictions that are not considered participants in the TUMF Program shall not be eligible to participate in the TUMF Program or the decision-making processes as more fully described in this document.

Non-participating jurisdictions will be ineligible to vote on any TUMF Program item and to receive their share of an estimated \$1.02 billion in local streets and roads funds that will be allocated from the Reauthorized Measure A.

- A. Calculation of the TUMF** - Each participating jurisdiction shall calculate and collect the TUMF from new development projects as outlined in the Fee Calculation portion of the Transportation Handbook as well as the most recent TUMF Ordinances and Fee Resolutions. For residential development projects, the fee is based on the number of units and for non-residential, the fee is based on the square footage. For non-residential development projects not included in the TUMF Fee Calculation Handbook, a traffic analysis acceptable to WRCOG is required to determine the fee based on the traffic impact of the proposed project.. This method of calculation may be different from how the local development impact fee is determined.

The TUMF shall be calculated using the most current fee schedule in effect at the time the fee is due. Participating jurisdictions are prohibited from freezing TUMF by such means as "locking" a fee rate by paying a deposit or a portion of the fee prior to the date the fee is due or by entering into a Development Agreement or other agreement with a developer that freezes the fee at a certain level.

Partial Payments or Deposits: WRCOG discourages the use of deposits and partial payments as it will create additional reporting requirements for the jurisdictions and may give the developer the impression that the fees are not subject to change. However, if a jurisdiction allows for deposits or partial payments, it will transmit the partial payment/deposit to WRCOG in accordance with the TUMF ordinance along with a remittance report. In the variance column of the Remittance report, the jurisdiction shall indicate that the fee collected is a portion of the total due. When the balance is paid, the jurisdiction shall calculate the total fee for the project based on the TUMF fee schedule in place at the time the balance is paid and deduct the partial payment against the total. The balance will be transmitted in accordance with the TUMF ordinance and this Administrative Plan. The variance column of the Remittance report shall indicate that the balance is paid. If there is a fee adjustment between the deposit/partial payment and the payment of the balance, the fee that is required to be paid will be based on the most current TUMF fee schedule.

For the purpose of calculating the TUMF obligation for non-residential development the applicable land use category for a non-residential development is determined based on the predominate authorized use of the building or structure permitted by the underlying zoning associated with the new development. Projects could be subject to higher fee if the land use intensifies during the development process from what was originally proposed to the jurisdiction.

As an alternative to the above-described procedures, and at the option of each participating jurisdiction (subject to the consent of WRCOG and evidenced by adoption of the Amendment), a participating jurisdiction may elect for WRCOG to calculate and collect the TUMF on behalf of the participating jurisdiction. Should a participating jurisdiction make such an election, the participating jurisdiction shall submit all information related to the development project that, in WRCOG's determination, is necessary for making such calculation, which shall generally include (without limitation) TUMF land use, type of development, number of units for residential development, square footage for non-residential development, and additional essential information as requested by WRCOG for fee calculation. Such information shall be submitted to WRCOG no later than ___ days prior to the date on which the TUMF obligation will become due.

In submitting a development project to WRCOG for TUMF calculation, the participating jurisdiction certifies and warrants that all information related to the development project (i.e., square footage, TUMF land use, type of development, etc.) is true and accurate, as approved by the participating jurisdiction's building and safety, or equivalent, department. WRCOG shall be entitled to rely on such information, and shall not be responsible for any harm resulting from any error, inaccuracy, or otherwise. Any balance in TUMF obligation due to incorrect development project information will be the responsibility of the participating jurisdiction.

In the event a participating jurisdiction makes the election described in the above paragraph, and complies fully with the requirements in the above paragraph, WRCOG shall take full responsibility for calculating the TUMF obligation, and WRCOG shall agree to indemnify, defend, and hold harmless such participating jurisdiction, and its respective agents, officers, members, officials, employees, and attorneys, from any error resulting from WRCOG's calculation of the TUMF obligation.

Exemptions to the Payment of TUMF - The TUMF Ordinance sets forth exemptions to the payment of TUMF. Those exemptions are summarized in Exhibit "G," attached hereto.

- B. Refunds** – Under certain circumstances, such as double payment, expiration of a building permit, or fee miscalculation, an applicant may be entitled to a TUMF refund. Refunds will be reimbursed by the end of the fiscal year on a first come, first served basis, depending upon the net revenue stream. Refunds will only be considered reimbursable if requested within 3 years of the original TUMF payment. In all cases, the applicant must promptly submit a refund request with proof of TUMF payment to the local jurisdiction that collected the TUMF. The

jurisdiction will forward the request to WRCOG for verification, review and possible action.

1. **Expiration Of Building Permits** - If a building permit should expire, is revoked, or is voluntarily surrendered and is, therefore voided and no construction or improvement of land has commenced, then the applicant may be entitled to a refund of the TUMF collected which was paid as a condition of approval, less administration.

The applicant shall pay the current TUMF in effect at the time in full if he reapplies for the permit.

If a development project is partially under construction at the time of the effective date of the TUMF Ordinance, the TUMF shall be paid only on that portion of the development for which a building permit is next issued.

2. **Double Payments** – on occasion due to a clerical error, a developer has paid all or a portion of the required TUMF for project twice. In such cases, a refund of the double payment may be required. If, however, it is determined that the developer paid the fees to the jurisdiction to expedite the project with the intent of entering into a credit agreement at a later time the refund process is different and is more fully described in section VI of this document.
3. **Balance Due** – when TUMF is incorrectly calculated due to clerical error, it is the City's responsibility to remit the balance due to WRCOG. The error must be discovered within 3 years for the City to be held accountable. The amount due can be remitted through alternate methods agreed to by the WRCOG Committees. If first vetted through WRCOG staff in writing, the calculation is not subject to additional review.

- C. **March Joint Powers Authority** - The March JPA shall not have a separate vote at the WRCOG Executive Committee as it has representation by elected officials from the County of Riverside and Cities of Moreno Valley, Perris, and Riverside. The Executive Director of the March JPA shall be a voting member of the WRCOG Technical Advisory Committee (WRCOG TAC) for TUMF Program items only. The March JPA is a unique partner in the TUMF Program in that it has land use authority and therefore will need to adopt and implement the TUMF Program in the same manner as the cities and county.

- IV. **Allocation of Funds** – After the administrative costs and MSHCP are allocated (as specified in Section IX herein), TUMF funds shall be distributed in accordance with WRCOG Executive Committee actions, the Nexus Study, this Administrative Plan and any future amendments thereto.

- A. **Allocation to Regional Transit Improvements** - Of the TUMF funds received by WRCOG, 1.64% shall be allocated to the RTA for making regional transit improvements.

- B. **Allocation to Regionally Significant Transportation Improvements** - Of the TUMF funds received by WRCOG, 46.39% shall be allocated to the RCTC for

programming improvements to the arterials of regional significance on the Regional System of Highways and Arterials.

- C. Allocation to Zones** - Of the TUMF funds received by WRCOG, 46.39% shall be allocated to the five Zones for programming improvements to the Regional System of Highways and Arterials as determined by the respective Zone Committees. The amount of TUMF funds allocated to each Zone shall be proportionate to the amount of TUMF revenue generated from the zone.
- D. Allocation to Mitigate TUMF Construction Projects** – Of the TUMF funds received by WRCOG, 1.59% shall be allocated to the RCA to purchase habitat for the MSHCP, to mitigate the impacts of TUMF construction projects.
- V. Administration of the Program** - WRCOG shall administer the TUMF Program as described in the enabling Ordinance adopted by participating jurisdictions and further defined in this Administrative Plan.
- VI. Administration of Credits** – The TUMF Ordinance has a provision that if a developer constructs a TUMF facility, the developer will receive credit against the TUMF obligation for the project improvements. Please refer to the WRCOG TUMF Credit/Reimbursement Manual attached hereto as Exhibit F and incorporated in full as if set forth herein for the procedures in which credits are administered and issued for developers constructing TUMF improvements.
- VII. Administration of Reimbursements** –Local jurisdictions/agencies and developers are eligible for reimbursement for construction of TUMF facilities in certain instances. The process for local agencies is different than for landowners/developers; the processes are described in the WRCOG TUMF Credit/Reimbursement Manual, attached hereto as Exhibit F and incorporated in full as if set forth herein.
- VIII. Administrative Responsibilities**

 - A. Program Administration** - As set forth in Section II, WRCOG is designated as the TUMF Program Administrator. As Administrator, WRCOG shall receive all fees generated from the TUMF as collected by WRCOG or local jurisdictions and review permits for correct land-use type assessment and proper remittance of TUMF. WRCOG shall invest, account for and expend such fees in accordance with the TUMF Ordinance and applicable state laws.

For jurisdictions that are not participating in the TUMF Program, the representative for that jurisdiction shall not be eligible to vote on any matter related to the TUMF Program that goes before the WRCOG TAC and WRCOG Executive Committee.
 - 1. The WRCOG Executive Director** - Reporting to the WRCOG Executive Committee, the Executive Director shall be responsible for the following TUMF Program activities:

 - a. Administration of the TUMF Program, including development of model credit and reimbursement agreements, fee collection process and processing Program appeals;

- b. Conduct an audit to report on the evidence that the collection and expenditure of funds collected is in accordance with the Mitigation Fee Act. The audit shall be presented to the WRCOG Executive Committee and made available to the public;
- c. Establishment and management of the "TUMF Program Trust Fund" for the purposes of depositing TUMF revenues and income interest earned on Trust Fund deposits;
- d. Preparation of an Annual Report for consideration by the WRCOG Executive Committee detailing the status of the TUMF Program including but not limited to fees collected and disseminated, capital projects planned for, prioritized, and built;
- e. Preparation of periodic comprehensive TUMF Program review and required by the California Mitigation Fee Act. The review of the TUMF Program will include a review of the various Nexus Study inputs and assumptions, and preparation of recommendations on potential TUMF Program revisions for consideration by the WRCOG Executive Committee. Such reviews and updates may include, but are not limited to recommended fee adjustments based on changes in the facilities required to be constructed, and revenues received pursuant to the Ordinance;
- f. Preparation of technical studies/analysis required to select and prioritize Regionally Significant Arterial projects;
- g. Development of a five-year TIP that identifies projects that are scheduled and funded for construction over a specified period of time and is reviewed on an annual basis;
- h. Development of a 5-year Expenditure Report that documents the expenditure of funds that identifies the purpose to which the fee is to be put, demonstrates a relationship and purpose for which the fee is being collected and identifies all sources and amount of funding anticipated to complete the financing of incomplete infrastructure facilities in accordance with California Government Code Sections 66000 et seq. for consideration by the WRCOG Executive Committee;
- i. Staff support to and coordination with each of the TUMF Zone Committees as necessary;
- j. Other related activities as directed by the WRCOG Executive Committee;
- k. Approve Zone and RTA TIP Administrative Amendments; and
- l. Execute amendments to TUMF reimbursement agreements.

2. The WRCOG Executive Committee - The WRCOG Executive Committee shall be responsible for reviewing and acting on the following:

- a. Recommendations for project selection and prioritization of the Regionally Significant Arterials, and the TIP;
- b. Review and possible approval of recommendations on projects from the Public Works Committee (PWC) and WRCOG TAC;
- c. The approval of the TUMF Program Administrative Plan, Technical Transportation Manual and any subsequent amendments thereto; and

- d. Recommendation of changes to the TUMF model Ordinance for consideration by participating jurisdictions.

In developing recommendations on Regionally Significant Arterials for consideration by the WRCOG Executive Committee, WRCOG staff and the Committee structure shall work with RCTC to coordinate compatibility with Measure A project priorities and schedules of area transportation improvements. WRCOG staff and the WRCOG Executive Committee shall also work with WRCOG jurisdictions and each Zone Committee for the same purposes.

For jurisdictions that are not participating in the TUMF Program, the WRCOG Executive Committee representative for that jurisdiction shall not be eligible to vote on any matter related to the TUMF that goes before the WRCOG Executive Committee.

3. The WRCOG Technical Advisory Committee - The WRCOG TAC shall review and make recommendations to the WRCOG Executive Committee on the following:

- a. Program updates and reviews and all supporting technical documentation;
- b. Revisions to the Administration Plan, Technical Transportation Manual, Fee Calculation Handbook and any other Program document;
- c. Ordinance revisions; and
- d. Annual fee adjustments.

The WRCOG TAC shall also provide additional assistance to the TUMF Program as requested by the WRCOG Executive Committee. For jurisdictions that are not participating in the TUMF Program, the WRCOG TAC representative for that jurisdiction shall not be eligible to vote on any matter related to the TUMF Program that goes before the WRCOG Executive Committee or WRCOG TAC.

4. The Public Works Committee/TUMF PWC - The PWC shall be comprised of the Public Works Director or designee from each participating jurisdiction of WRCOG, RCTC, RTA and WRCOG and shall be responsible for the following:

- a. Providing technical assistance and guidance for program updates;
- b. Developing objective criteria for project selection and prioritization including but not limited to the following factors: traffic safety issues potentially created by growth, regional significance, availability of matching funds, mitigation of congestion created by new development, system continuity, geographic balance, project readiness, and completed projects with reimbursement agreements;
- c. Providing additional assistance to the TUMF Program as requested by the WRCOG Executive Committee, RCTC and/or the WRCOG TAC and/or the Zone TAC;

- d. Overseeing the reparation of the Technical Transportation Manual;
- e. Preparing the 5-Year TIP, which will be reviewed and amended annually and fully adjusted every two years as members of the Zone TAC;
- f. Providing recommendations on the RCTC Regional Arterial TUMF Program of Projects every four years along with the Nexus Study update to the WRCOG TAC, WRCOG Executive Committee and RCTC;
- g. Selecting a lead agency for each of the projects on the TIP;
- h. Reviewing the Annual Report prepared by WRCOG;
- i. Revising the RSHA as may be necessary (at a minimum every 4 years); and
- j. Review and revise Unit Cost Assumptions to the RSHA as may be necessary (at a minimum every 4 years).

B. Regional Arterial Administration - RCTC through an MOU with WRCOG (effective October 1, 2008) is the responsible agency for programming and delivering the Regionally Significant Arterials designed under Measure A and defined in the Nexus Study. WRCOG and RCTC have established a committee structure that incorporates the Public Works Directors, City Managers the WRCOG Executive Committee, and the RCTC Board for the development, review and approval of the Regional Arterial TUMF Program of projects.

1. **The RCTC Executive Director** - The Executive Director shall be responsible for the following TUMF Program activities:
 - a. Establishment and management of the "TUMF Program Trust Fund" for the purposes of depositing TUMF revenues and income interest earned on Trust Fund deposits;
 - b. Development of the RCTC Regional Arterial TUMF Program that identifies Regional projects for reimbursement that are scheduled and funded for construction by jurisdictions and developers over a specified period of time and is reviewed on an annual basis;
 - c. Staff support to and coordination with the TUMF Committees as necessary; and
 - d. Other related activities as directed by the RCTC Board.
2. **The Riverside County Transportation Commission** - RCTC shall be responsible for reviewing and acting on recommendations for project selection and prioritization of the RCTC Regional Arterial TUMF Program. RCTC shall review and consider recommendations on the RCTC Regional Arterial TUMF Program project on TUMF Regional Arterial projects from the TUMF Public Works Committee, WRCOG TAC, and WRCOG Executive Committee.

C. Zone Administration - Each Zone shall establish a committee structure, similar to Exhibit "A", for the purpose of preparing a Zone Transportation Improvement Program (TIP) with the TUMF revenue that has been returned to the Zone and develop policies that impact the Zone, such as how to close a funding shortfall in the Zone. The Executive Committee has determined that the 5-Year TIP shall be

balanced to the most reasonable extent possible and that program shortfalls will need to be closed or projects could be reduced or eliminated from the TIP. The Zone TAC shall be responsible for prioritization of projects, selection of the lead agency for each project, and to review all the projects for consistency within the Zone.

All Zones shall approve their TIP by consensus and forward their recommendations to Executive Committee for review and approval to ensure compatibility with the other Zones and the Technical Transportation Manual.

Zone dollars are to be allocated by the Zone TAC only and cannot be utilized or borrowed for projects located outside the zone unless such projects are: 1) proposed and approved by the Zone Committee and have a direct benefit to the Zone and 2) are consistent with the Nexus Study. In furtherance of this Section VIII.B, each Zone shall abide by the Guidelines set forth in Exhibit "C".

The Riverside County Transportation Improvement Plan approved by Riverside County voters on November 5, 2002 states "Funding which is not allocated to a city or county because it is not a participant in the TUMF Program in the Coachella Valley area and the TUMF and MSHCP in the Western County area shall be allocated to the Regional Arterial Program in the geographic area in which the city or portion of the county is located".

Each City and a portion of the unincorporated area of Riverside County are assigned to each of the zones. The five Zones are as follows:

1. Northwest Zone – The Cities of Corona, Eastvale, Jurupa Valley, Norco, Riverside and the County of Riverside, and the March JPA;
2. Southwest Zone – The Cities of Canyon Lake, Lake Elsinore, Murrieta, Temecula, Wildomar, and the County of Riverside;
3. Central Zone – The Cities of Menifee, Moreno Valley and Perris, and the County of Riverside, and the March JPA;
4. Pass Zone – The Cities of Banning and Calimesa, and the County of Riverside;
5. Hemet/San Jacinto Zone – The Cities of Hemet and San Jacinto and the County of Riverside.

- D. Local Administration** – Participating jurisdictions that have not opted to elect that WRCOG calculate and collect the TUMF on their behalf, are responsible for collecting the TUMF, as provided in the TUMF Ordinance. Fees collected and a corresponding Remittance Report are required to be transmitted to the Executive Director of WRCOG. In accordance with the TUMF Ordinance, the Amendment, and the Mitigation Fee Act, WRCOG shall deposit, invest, and expend the transmitted fees. Participating jurisdictions that have not opted for WRCOG to calculate and collect the TUMF on their behalf, are required to transmit reports as set forth below to WRCOG which will include, but not be limited to the following information regarding the TUMF Program status.

1. **Monthly Remittance Reports** – Participating jurisdictions are required to submit the standard Remittance Reports to WRCOG by the tenth (10th) day of the month end for the previous month's activity, for example; June's Remittance report is due July 10. The report shall contain information necessary for WRCOG to determine the total amount of fees collected within each fee category as it relates to the number of building permits, certificates of occupancy, or final inspections issued during the same period of time. Remittance reports are required even when no fees have been collected, and will show building permits or certificates of occupancy have been issued. In addition the participating jurisdiction shall provide WRCOG the following information: the name of the developer or payee, project address, APN, total square feet, credits issued, variance in the fee assessed, and such other information as requested by WRCOG. As an example, the variance column needs to be filled out for any issue that will lead to a fee other than the standard calculation. This information will assist WRCOG in tracking new development, total revenue received and revenue projections for purposes of Program audits and program updates.

2. **Remittance Delays** - If a participating jurisdiction does not transmit the fees along with a corresponding Remittance Report by the tenth (10th) day of the close of the month for the previous month in which fees were collected, the following fiscal policy shall be applied:

On the eleventh (11th) day after the close of the month WRCOG staff shall notify, in writing, the delinquent jurisdiction of the delinquency and request that said jurisdiction remit by the fifteenth (15th), the fees and the required Remittance Report;

If fees and Remittance Report have not been received, by the fifteenth (15th) day, WRCOG staff will invoice the jurisdiction for the approximate amount owed plus interest and penalties which is calculated at the current interest rate earned by the Riverside County Investment Pool plus thirty-five basis parts beginning from the first day of the month following the closing of the month being reported;

WRCOG staff will continue this notification until sixty (60) days after the close of the month. At which time, WRCOG will determine if an audit is necessary of the jurisdiction's TUMF account, general ledger and any other financial data. If an audit is conducted, WRCOG will investigate the amount owed and the cause of delay. Upon completion of the audit, WRCOG staff shall make any recommendations to resolve any outstanding issues; and

If an audit is required due to reporting and remittance irregularities, the jurisdiction shall incur the cost of the audit.

3. **Accruals** - the TUMF Program utilizes the five Zone 5-Year TIPs to allocate projects, which are based on the amount of available revenue to each Zone as determined by carryover and projected funds. At fiscal year-end, any unspent funds remaining on the TIPs that are not identified and

accrued do not automatically roll over and may not be available for programming the following fiscal year. It is necessary for jurisdictions to identify those unused programmed funds so that they can be carried over to the next fiscal year. If the funds are not accrued, WRCOG cannot release the funds to the jurisdiction until the following year when the TIPs are officially adopted.

- E. Riverside Transit Agency** – In accordance with the Nexus Study 1.64% of funds received will be made available to the RTA to make capital facilities improvements for transit purposes as identified in the Nexus Study. The RTA shall provide a report to the WRCOG Executive Committee each year, which has been reviewed by the technical committees, detailing its expenditures of TUMF Program funds received, as well as future commitments for transit facilities using TUMF Program revenues as determined by the RTA Board of Directors.

- IX. Administrative Costs.** The TUMF Ordinance, including as amended by the Amendment, authorizes WRCOG to expend funds generated from TUMF that are necessary and reasonable to carry out its responsibilities to implement the Program. The WRCOG Executive Committee adopted a series of policies that clarify the expenditure and retention of program funds for the Administration of the Program and they are as follows:

1. WRCOG will retain no more than one percent (1%) of the total TUMF Program revenue for administration salaries and benefits;
2. Administration costs will be budgeted at whatever is reasonable and necessary, but not to exceed four percent (4%) of the TUMF revenues collected (inclusive of the one percent administrative salaries and benefit cap) unless otherwise directed by the Executive Committee.
3. Beginning July 1, 2006, WRCOG will take the administrative component from the revenue collected based on the total fee obligation inclusive of executed credit agreements.
4. Beginning July 1, 2006, all CFD's, SCIP and other financing mechanisms will pay the maximum (4%) administrative component in cash to WRCOG. When the administrative component is less than 4% then the surplus revenue will be allocated in accordance to their adopted percentages to the Multi-species Habitat Conservation Plan, RCTC, RTA and the Zones.
5. For refunds, whether it is because the project is no longer going forward or expiration of building permits (where no construction has commenced), the applicant is entitled to a refund less the administrative component. Refunds will be processed based on available cash and will not take precedence over the projects identified as funded on the approved TIP. Refunds will however take precedence over the addition of new projects to the TIP.

- X. Appeals.** Appeals shall only be made in accordance with the provisions of this Section X.

- A. Persons or Entities Who Having Standing to Appeal.** No person or entity shall have standing to avail themselves of this Section X, except those persons or individuals who are responsible for paying the TUMF and have an unresolved appealable issue or matter.

B. Appealable Issues and Matters. No issue or matter shall be heard or reviewed under this Section X unless the issue or matter is appealable. An issue or matter is appealable, if a qualified person or entity ("Appellant") has a good-faith dispute directly related to Appellant's Property ("TUMF Dispute") regarding (i) the amount of Appellant's TUMF obligation; (ii) the administration of TUMF Credits; (iii) exemption of Appellant's property from the TUMF Program; or (iv) administration of TUMF reimbursements.

C. Appeal Process.

1. If a qualified person or entity has a TUMF Dispute, he or she shall first attempt to resolve the dispute informally with WRCOG staff. The staff of the local jurisdiction may also participate in such discussions. If the TUMF Dispute remains unresolved after a reasonable attempt to address it at the local level, the qualified person or entity may submit a written appeal to the WRCOG Executive Director. The Appellant and WRCOG staff shall attempt to resolve the issue within thirty (30) days of the WRCOG Executive Director's receipt of the appeal. At the conclusion of the thirty (30) day period, WRCOG staff shall render a written decision on the appeal. In such cases, if the Appellant desires further review from WRCOG, the Appellant must submit a written request for review to the WRCOG Executive Committee chair.
2. After the written appeal is received by the WRCOG Executive Committee chair, the item shall be presented to the WRCOG Administration & Finance Committee for review. At the request of either WRCOG staff or the Appellant, the decision of the WRCOG Administration & Finance Committee shall be forwarded to the WRCOG Executive Committee for review and action. The decision of the WRCOG Executive Commission shall be final.

XI. Arbitration. When there is a dispute among the Zone members that cannot be resolved and prevents the adoption of a project prioritization schedule, the matter shall be forwarded to the WRCOG TAC and WRCOG Executive Committee for a determination. Once the WRCOG Executive Committee takes action on the issue the decision is final.

If there is a dispute at the WRCOG Executive Committee level regarding project prioritization of a specific project(s) and a consensus cannot be reached, that project shall be tabled until such time as new information is presented and the matter can be resolved.

XII. TUMF Program Amendments. WRCOG shall undertake a review of all components of the TUMF Program in accordance with Government Code Section 66000 et seq. and other applicable laws, and, if necessary, recommend Program amendments and/or adjustments. Amendments to the Administrative Plan will be subject to the approval of the WRCOG Executive Committee. Amendments required to the TUMF Program Ordinance shall be approved by each participating jurisdiction, acting on recommendations provided by the WRCOG Executive Committee. The review shall consider whether future administration costs to participating jurisdictions are needed.

- 1. TUMF Network Revisions:** The TUMF Network is reviewed and revised at regular Nexus Study updates, with minor adjustments such as name changes, distances, and other errors that may be found from time to time occurring on a more frequent basis. However, there could be instances when certain assumptions were made during a Nexus Update that did not come to fruition that should be addressed. The primary cause is when a new city is incorporated and inherits the TUMF Network, which may not reflect the new jurisdiction's General Plan or priorities; another example is if a jurisdiction needs to "trade" a facility on the Network due to a rapid change in development patterns that should not wait for the normal revision cycle.

For new cities there would be an opportunity to review the TUMF Network with WRCOG staff to ensure that the Network identifies their priorities and allows them to make recommendations and to have the ability to swap out facilities. Any revision request must meet the criteria to be on the Network before the PWC will consider the request.

Jurisdictions that are not part of the above mentioned group that need to swap out facilities, must justify the swap by demonstrating that it provides continued regional circulation, meets the criteria to be on the TUMF Network, and does not provide an advantage to a specific land-use, community, developer/project for the purposes of TUMF credits or reimbursements. These jurisdictions must also demonstrate that the impacts mitigated in the swapped facilities are substantially similar to those impacts that would have been mitigated in the abandoned facilities.

This process is intended to be applied on an annual basis during interim years between revisions to the TUMF Nexus Study that would inherently include a revision to the TUMF Network. The deadline to submit any revision is June 30th. The focus of this process is the ability to shift projects on the TUMF Network with the intent to incur minimal fiscal impacts to the Program fee and Nexus determination, rather than adding new projects that would have a far more significant effect on the Program fee and therefore would be more appropriately addressed during the regular Nexus Study reviews. The exception to this policy is the ability for newly incorporated cities to request new additions during the initial cycle of this adjustment process to ensure appropriate facilities are designated to address their individual city's needs.

The process requires the jurisdiction to submit a written justification of the requested TUMF Network facility shift. Elements to be addressed in the written justification should include an explanation of the rationale for the proposed facility shift specifically explaining why the facility should be addressed as part of the TUMF Program and cannot be addressed as part of an equivalent local program, and verification that the proposed shift in facility does not unduly favor or disadvantage a specific developer or development interest. Proximity to areas of significant recent development activity (i.e. shifts in development patterns resulting in changes in transportation system impacts to be mitigated) and the net cost differential to the program following the facility adjustment are key elements to be addressed in the written justification. The written justification must also demonstrate that the impacts mitigated in the proposed facility shift are

substantially similar to those impacts that would have been mitigated in the abandoned facilities.

The existing criteria contained in the TUMF Nexus Study for identifying facilities to be included in the TUMF Network was refined for the purposes of evaluating requests for TUMF Network Amendments. All requested Network adjustments will be evaluated and scored using a point system based on key performance indicators consistent with the existing criteria contained in the TUMF Nexus Study. The scoring criteria is “Exhibit D” of this Plan. Only facilities defined in a participating jurisdiction’s General Plan Circulation Element (or equivalent document) as an arterial highway facility with a minimum four (4) lanes at build-out will be evaluated for inclusion in the TUMF Network.

- XIII. CEQA.** The TUMF Program currently is a financing mechanism dependent on future actions of the WRCOG Executive Committee for improvements to the RSHA. WRCOG and its associated committees will be prioritizing and scheduling improvements on the RSHA, as such, the appropriate environmental documentation, shall be completed before a project can commence construction.

The TUMF Program was developed to mitigate the cumulative impacts of future growth on the RSHA. It was not developed to mitigate project-specific traffic impacts. Accordingly the program does not relieve any development project of the responsibility to mitigate project-specific impacts identified in the environmental analysis prepared for the project. When a development project is required to construct RSHA facilities as project-specific mitigation, it shall be eligible for credit and or reimbursement.

EXHIBIT “A”

TUMF Program Administration and Implementation
(Example of a single zone)
Executive Office and the Public
Works Directors from each
jurisdiction in the Zone

ing Process

EXHIBIT “B”

Guidelines for the Administration of the Programmed Projects in the Zone’s Adopted 5-Year TIP

Once each Zone’s 5-Year Transportation Improvement Program (TIP) is adopted by the WRCOG Executive Committee, said TIPs shall be incorporated into and governed by these guidelines, the Administrative Plan, and Technical Transportation Manual in accordance with AB 1600. Annually, WRCOG staff meets with the Zone Technical Advisory Committees to review the status of all programmed projects on the 5-Year TIPs and bring the subsequent project adjustment requests to the Zone Committees for approval. The goals of the annual review process are as follows: (i) to update project cost estimates; (ii) to review project status; (iii) to determine the continued viability of projects; (iv) review the backlog of reimbursement projects; (v) to address local jurisdiction issues; and (vi) address compliance with AB 1600.

Adjustments:

In accordance with the Technical Transportation Manual and the original reimbursement agreement entered into with the lead jurisdiction, all approved projects’ funding and schedules are directly tied to critical milestones. As such, requests to change a project’s funding or schedule shall necessitate an amendment to the original agreement and the adopted TIP. Annual 5-Year TIP adjustments could include, but are not limited to:

- Scope of work reductions or additions;
- Project or phase delays;
- Project or phase cancellations;
- New shelf-ready network projects being added as replacement projects;
- Project or phase advances; and
- Request to transfer funding beyond a programmed project’s limits within a Zone.

Levels of Approval:

A. Zone Committee/WRCOG Executive Committee

The following shall be approved by the Zone Committee and adopted by the WRCOG Executive Committee as required in the Administrative Plan:

1. Annual updates to the Zone TIP.
2. Requests to increase total TUMF funding allocations to projects on the Zone TIP. These requests may be made by the local jurisdiction administratively outside of the annual TIP update cycles if deemed necessary by one of the Zone participating jurisdictions and WRCOG management due to unforeseen circumstances that necessitate immediate action. Such unforeseen circumstances shall include, but not be limited to, higher than expected bid prices, TUMF as a Federal or State match, etc. WRCOG staff will obtain action from the Zone Committee in these cases either by calling for a Special Zone Committee meeting or through individual consultation.

3. Administrative requests to advance funds or adjust project schedules on TIP approved projects, upon the recommendation of the Public Works Committee. Such advancements are subject to:
 - Jurisdiction's proof of readiness to move forward with project, and
 - Zone's current cash flow can support the advancement or change.

B. WRCOG Executive Director

The WRCOG Executive Director shall be responsible for the review and approval of the following changes to an approved Zone TIP, including the review and approval of any agreements, for:

1. Change in Lead Jurisdiction, with the written consent of the transferring and accepting Lead Jurisdiction.
2. Cancellation of project upon request of the local jurisdiction. In the event of cancellation, all funds shall revert to the Zone TIP Trust account.
3. Approval of final completion of the project. Upon notification from the Jurisdiction that the Project has been completed, all unused funds programmed for that Project shall revert to the Zone TIP Trust account.
4. All other administrative requests, upon consultation with the Public Works Committee.

C. Public Works Committee

The Public Works Committee shall be responsible for the review and approval of the following:

1. Requests to move funds within project categories (environmental, design, etc.) administratively, contingent upon participating jurisdiction's certification of viability of all phases.
2. Provide recommendations to the WRCOG Executive Director on any other requests that are deemed administrative in nature by the Director.

All administrative adjustments will be submitted to the WRCOG Executive Committee as part of the next Annual Review Report for final adoption.

D. Obligor Programmed Funds

The TUMF Program has established the policy that construction projects take priority, and therefore, WRCOG limits the obligation of TUMF dollars. WRCOG has two options by which to obligate TUMF. In both options, steps 1, 2, and 3 (Option A) or 6 (Option B) must be completed by the local jurisdiction to ensure TUMF funding can be made available for use on an eligible project. Since TUMF project funds are generally obligated on a first come first served basis, failure to follow the prescribed steps for either option may preclude a project sponsor from receiving TUMF payments for completed work until sufficient funds are available to be obligated.

Option A:

Funding for a project programmed on Zone 5-Year TIPs is not considered obligated by WRCOG until certain steps outlined below have been accomplished by the local jurisdiction.

1. Ensure that funding for the project phase is **programmed in the current year** of an adopted 5-Year TIP.
2. Ensure that there is a **signed (executed) reimbursement agreement** that matches the funding amount with the funding amount of the project phase in the adopted TIP.
3. Submit **an invoice for TUMF eligible work** prior to the end of the fiscal year to obligate the project phase funding. At the time of submitting the first invoice, the project sponsor will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.
4. WRCOG will obligate the entire phase of the project if there is available revenue at the time the invoice is submitted.

Option B:

Funding for a project programmed on Zone 5-Year TIPs is not considered obligated by WRCOG until the steps outlined below have been accomplished by the local jurisdiction.

1. Ensure that funding for the project phase is **programmed in the current year** of an adopted 5-Year TIP.
2. Ensure that there is a **signed (executed) reimbursement agreement** that matches the funding amount with the funding amount of the project phase in the adopted TIP.
3. Send WRCOG a letter of **notice of intent** to issue RFP, solicit bids, make offer to purchase ROW or other similar action to verify that sufficient funding is available and that funds are obligated and reserved exclusively for the particular project phase.
4. Receive a **notice of obligation** from WRCOG within fourteen working days of receipt of the notice of intent confirming the amount of funding that is obligated and reserved exclusively for the particular project phase. Alternatively, the project sponsor will receive a notice of deferred obligation if WRCOG determines that insufficient funds are currently available for the project phase to be obligated.
5. Award the project and execute a contract within four months of receipt of the notice of obligation from WRCOG and send a letter of **confirmation of award** to WRCOG including evidence of a Board/Council action relating to the project award and contract execution.
6. Commence project work and submit the **first invoice** for payment within nine months of receipt of letter of obligation by WRCOG to preserve fund obligation. At the time of submitting the first invoice, the project sponsor will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.

If a contract has not been executed within four months of receipt of the notice of obligation from WRCOG (step 5), there will be a review of the project status. Based on the review of project status, WRCOG will either:

- i. extend the fund obligation for up to a total of nine months from the notice of obligation if the project sponsor can demonstrate a realistic expectation that the project will be awarded and a confirmation of award can be provided to WRCOG within that time frame; or
- ii. de-obligate the funds.

Similarly, if the first invoice has not been submitted to WRCOG within nine months of receipt of the letter of obligation (step 6), there will be a review of the project status. Based on the review of project status, WRCOG will either:

- i. extend the fund obligation for up to an additional nine months if the project sponsor can demonstrate a realistic expectation that the project work will commence and a first invoice is submitted within that time frame; or
- ii. de-obligate the funds.

E. Programming the Cost Assumption's 10 Percent Contingency

The TUMF Program has established the policy allowing local jurisdictions the ability to choose how to apply the available 10 percent Contingency costs historically assigned to the construction phase of a project when it is programmed on a TUMF 5-Year Transportation Improvement Program (TIP). The Contingency fund is 10 percent of the sum of the new lane, right-of-way, bridge, interchange, and railroad costs.

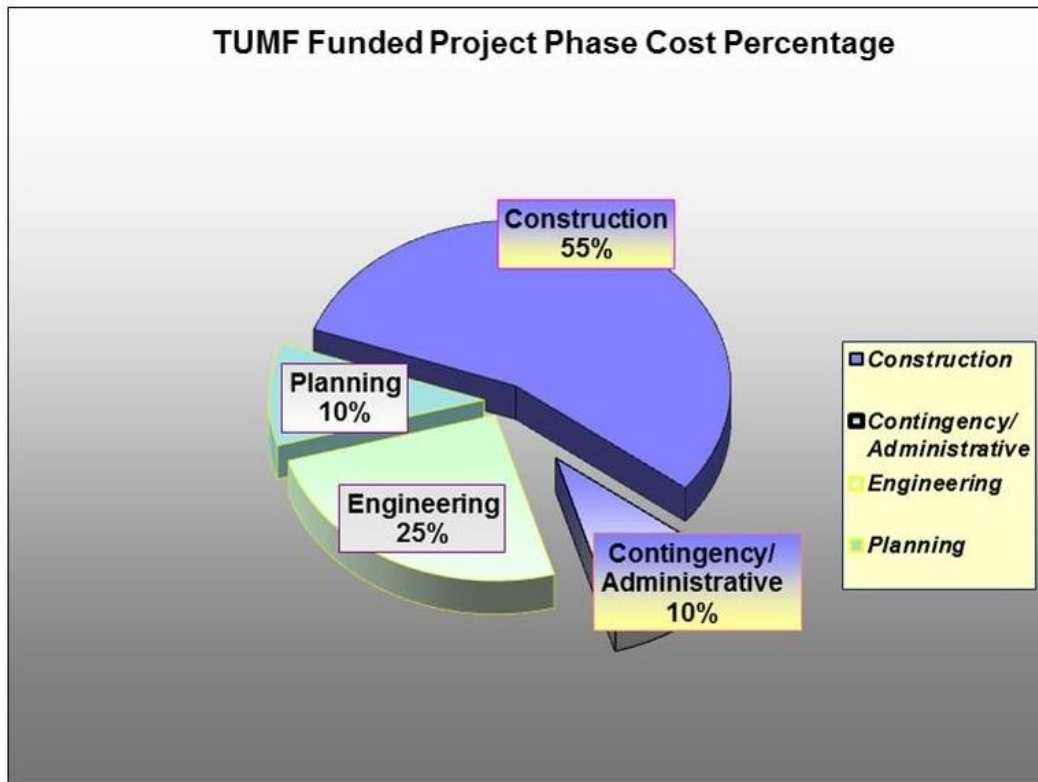
Under this new policy, some jurisdictions may opt to continue applying the 10 percent Contingency to the construction costs, while others may choose to apply a portion of the 10 percent Contingency to help defray their administrative costs incurred during the planning and engineering phase delivery.

Since currently programmed construction funds already reflect the eligible 10 percent Contingency, the policy only applies to those projects that have not obligated or received payments on their construction phases.

For those jurisdictions who wish to recapture administrative costs of ongoing projects programmed on the TIP that do not involve an obligated construction phase, up to 10 percent of each of the programmed planning and engineering phases would be eligible for administrative costs and would be deducted from the available 10 percent contingency (leaving the remaining balance to be applied to construction costs or construction administration costs.)

Scenario –

Construction costs	= \$1,000,000
Contingency	= \$ 100,000 (or 10%)
Planning costs	= \$ 100,000
Engineering costs	= \$ 250,000
Admin costs (PA&ED)	= \$ 10,000 (or 10% of \$100k)
Admin costs (ENG)	= \$ 25,000 (or 10% of \$250k)
Balance Contingency	= \$ 65,000 (for construction admin or contingency costs)



Jurisdictions may apply a portion or all of the available 10 percent Contingency to reimburse accrued administration costs for all three phases by requesting the amount to be programmed as a separate line item on the TIP during a biennial TIP review or amendment as any other project adjustment.

All existing and future reimbursement agreements, cost estimates, and scopes of work will need to be amended to include specific language covering the jurisdiction's individual contingency use option.

EXHIBIT “C”

The following table summarizes the criteria, evaluation thresholds and point values for evaluating TUMF Network adjustment requests for approval. For each evaluation measure, the maximum point value has been highlighted in **bold** font for easy reference.

Criteria	Evaluation Thresholds	Points
Minimum number of lanes at build-out	Less than 4 lanes	not eligible
	4 or 5 lanes	5
	6 or more lanes	15
Jurisdictions served	1 jurisdiction	0
	2 jurisdictions	5
	3 or more jurisdictions	10
Future forecast traffic volumes	Less than 20,000 vehicles per day	0
	20,000 to 24,999 vehicles per day	5
	25,000 to 29,999 vehicles per day	10
	30,000 to 34,999 vehicles per day	15
	35,000 to 39,999 vehicles per day	20
	40,000 or more vehicles per day	25
Future forecast volume to capacity ratio	< 0.80 (LOS A/B/C)	0
	0.81 – 0.90 (LOS D)	5
	0.91 – 1.00 (LOS E)	10
	> 1.00 (LOS F)	15
Regional fixed route transit services accommodated	No service	0
	1 or more services	10
Net fiscal impact of TUMF Network adjustment	More than \$1,000,000 cost addition	-15
	\$200,000 to \$1,000,000 cost addition	-5
	\$199,999 cost addition to \$199,999 cost savings	5
	\$200,000 to \$1,000,000 cost savings	15
	More than \$1,000,000 cost savings	25
Maximum Possible Score		100

EXHIBIT “D”

TUMF Program Definitions

For the purpose of the TUMF Administrative Plan, the following words, terms and phrases shall have the following meanings:

A. **“Class ‘A’ Office”** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class ‘A’ Office shall be as follows: (i) minimum of three stories (exception will be made for March JPA, where height requirements exist); (ii) minimum of 10,000 square feet per floor; (iii) steel frame construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/ exits for commercial uses within the building.

B. **“Class ‘B’ Office”** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class ‘B’ Office shall be as follows: (i) minimum of two stories; (ii) minimum of 15,000 square feet per floor; (iii) steel frame, concrete or masonry shell construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/exits for commercial uses within the building.

C. **“Development Project”** or **“Project”** means any project undertaken for the purposes of development, including the issuance of a permit for construction.

D. **“Gross Acreage”** means the total property area as shown on a land division of a map of record, or described through a recorded legal description of the property. This area shall be bounded by road rights of way and property lines.

E. **“Habitable Structure”** means any structure or part thereof where persons reside, congregate or work and which is legally occupied in whole or part in accordance with applicable building codes, and state and local laws.

F. **“Industrial Project”** means any development project that proposes any industrial or manufacturing use allowed in the following Ordinance No. _____ zoning classifications: I-P, M-S-C, M-M, M-H, M-R, M-R-A, A-1, A-P, A-2, A-D, W-E, or SP with one of the aforementioned zones used as the base zone.

G. **“Low Income Residential Housing”** means “Residential Affordable Units”: (A) for rental housing, the units shall be made available, rented and restricted to “lower income households” (as defined in Health and Safety Code Section 50079.5) at an “affordable rent” (as defined in Health and Safety Code Section 50053),). Affordable units that are rental housing shall be made available, rented, and restricted to lower income households at an affordable rent for a period of at least fifty-five (55) years after the issuance of a certificate of occupancy for

new residential development. (B) for for-sale housing, the units shall be sold to “persons or families of low or moderate income” (as defined in Health and Safety Code Section 50093) at a purchase price that will not cause the purchaser’s monthly housing cost to exceed “affordable housing cost (as defined in Health and Safety Code Section 50052.5) Affordable units that are for-sale housing units shall be restricted to ownership by persons and families of low or moderate income for at least forty-five (45) years after the issuance of a certificate of occupancy for the new residential development.

H. **“Multi-Family Residential Unit”** means a development project that has a density of greater than eight (8) residential dwelling units per gross acre.

I. **“Non-Residential Unit”** means retail commercial, service commercial and industrial development which is designed primarily for non-dwelling use, but shall include hotels and motels.

J. **“Recognized Financing District”** means a Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

K. **“Residential Dwelling Unit”** means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. “Residential Dwelling Unit” shall not include hotels or motels.

L. **“Retail Commercial Project”** means any development project with the predominant use that proposes any retail commercial activity use not defined as a service commercial project allowed in the following Ordinance No. _____ classifications: R-1, R-R, R-R-O, R-1-A, R-A, R-2, R-2-A, R-3, R-3-A, R-T, R-T-R, R-4, R-5, R-6, C-1/C-P, C-T, C-P-S, C-R, C-O, R-V-C, C-V, W-2, R-D, N-A, W-2-M, W-1, or SP with one of the aforementioned zones used as the base zone, which can include any eating/dinning facility residing on the retail commercial development premises.

M. **“Service Commercial Project”** means any development project that is predominately dedicated to business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal, and medical offices, which can include a stand-alone eating/dining facility residing on the service commercial development premises.

N. **“Single Family Residential Unit”** means each residential dwelling unit in a development that has a density of eight (8) units to the gross acre or less.

O. **“TUMF Participating Jurisdiction”** means a jurisdiction in Western Riverside County which has adopted and implemented an ordinance authorizing participation in the TUMF Program and complies with all regulations established in the TUMF Administrative Plan, as adopted and amended from time to time by the WRCOG.

P. **“Disabled Veteran”** means any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.

Q. Government/public buildings, public schools, and public facilities that are owned and operated by a government entity in accordance with Section G. subsection Iv of the model TUMF Ordinance. A new development that is subject to a long-term lease with a government agency for government/public buildings, public schools, and public facilities shall apply only if all of the following conditions are met:

(a) The new development being constructed is subject to a long-term lease with a government agency.

(b) The project shall have a deed restriction placed on the property that limits the use to government/public facility for the term of the lease, including all extension options, for a period of not less than 20 years. Any change in the use of the facility from government shall trigger the payment of the TUMF in effect at the time of the change is made.

(c) No less than ninety percent of the total square footage of the building is leased to the government agency.

(d) The new development is constructed at prevailing wage rates.

(e) A copy of the lease is provided to the applicable jurisdiction and to WRCOG.

(f) Based on the facts and circumstances, the intent of the lease is to provide for a long-term government use, and not to evade payment of TUMF.

R. **“Non-profit Organization”** means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program, the non-profit may be a 501(c) (3) charitable organization as defined by the Internal Revenue Service.

S. **“Long-Term Lease”** as used in the TUMF Program, a “long-term lease” shall mean a lease with a term of no less than twenty years.

T. **“Mixed-Use Development”** as used in the TUMF Program, means Developments with the following criteria: (1) three or more significant revenue-producing uses, and (2) significant physical and functional integration of project components.

U. **“Guest Dwellings”** and **“Detached Second Units”** according to the State of California legal definition as following: 1) The second unit is not intended for sale and may be rented; 2) The lot is zoned for single-family dwellings; 3) The lot contains an existing single-family dwelling; 4) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling; and 5) Are ministerially amended by each jurisdiction’s local codes.

EXHIBIT “E”

TUMF Program Exemptions

The following types of new development shall be exempt from the provisions of the TUMF Administration Plan:

1. Low income residential housing as defined in Exhibit E, Section G of the Administrative Plan.
2. Government/public buildings, public schools, and public facilities that are owned and operated by a government entity in accordance with Section Q of Exhibit E of the Administrative Plan and Section G. subsection Iv of the model TUMF Ordinance. Airports that are public use airports and are appropriately permitted by Caltrans or other state agency.
3. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code section 65864 *et seq*, prior to June 30, 2003, wherein the imposition of new fees are expressly prohibited, provided that if the term of such a Development Agreement is extended by amendment or by any other manner after June 30, 2003, the TUMF shall be imposed.
4. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.
5. “Guest Dwellings” and “Detached Second Units” As defined in Exhibit E of the Administrative Plan and the TUMF Ordinance.
6. Additional single-family residential units located on the same parcel pursuant to the provisions of any agricultural zoning classifications set forth in the Municipal Code.
7. Kennels and Catteries established in connection with an existing single family residential unit.
8. Any sanctuary, or other activity under the same roof of a church or other house of worship that is not revenue generating and is eligible for a property tax exemption (excluding concert venue, coffee/snack shop, book store, for-profit pre-school day-care, etc.)
9. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.
10. “New single-family homes, constructed by non-profit organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.”

EXHIBIT “F”

DRAFT



Western Riverside Council of Governments

Planning Directors Committee

Staff Report

Subject: TUMF Program 3,000 Square Foot Reduction for Retail and Service Uses Implementation Update

Contact: Daniel Ramirez-Cornejo, Program Manager, dramirez-cornejo@wrcog.us, (951) 405-6712

Date: September 13, 2018

The purpose of this item is to provide an update on implementation of the 3,000 square foot (SF) deduction for retail and service uses previously approved by the Executive Committee on August 7, 2017.

Requested Action:

1. Approve a revision to the 3,000 square foot reduction policy for retail and service uses that limits this reduction to projects that are less than 20,000 square feet.

As part of the 2016 TUMF Nexus Study update, member jurisdictions expressed concerns about the impacts of TUMF on retail uses and directed staff to evaluate potential exemptions for said uses. In response, WRCOG staff convened a TUMF Ad Hoc Committee to explore options for exempting locally serving retail and service uses. The TUMF Ad Hoc Committee met on July 25, 2017, and recommended that WRCOG exempt the first 3,000 SF of retail and service uses.

During the August 2017 Executive Committee meeting, staff was directed to implement a policy to exempt the first 3,000 SF of retail and service uses (both for new development and for modifications to existing development) from TUMF assessments.

Implementation of the Reduction

The policy enacted in August 2017 provided a 3,000 SF reduction to all retail and service uses, not only to those uses that are 3,000 SF and below. As the retail and service industries go through their cycles, the need to expand an existing use occurs frequently; as such, this option also benefits existing uses that are taking a risk to expand their use and provide more economic development.

Since approval of the policy on August 7, 2017, project applicants are not required to pay TUMF fees on the first 3,000 SF of retail and service projects. Therefore, no TUMF is paid if a retail or service project is less than 3,000 SF, and the fee is reduced if a retail or service project is more than 3,000 SF. Staff have also interpreted this policy to include Class A and Class B office buildings.

Staff has received many questions related to applicability of the 3,000 SF reduction; however, staff has uniformly applied the deduction to all retail and service uses, whether the proposed uses are standard fee calculations or based on the unique fee calculation worksheets in the TUMF Calculation Handbook.

For multi-use projects or projects with multiple tenants, the 3,000 SF reduction would apply to each individual use or each individual tenant. Since each tenant is operating independently of one another, they are viewed as separate uses. As such, a single 12,000 SF building divided into four tenant spaces of 3,000 SF each would not be required to pay TUMF because each space would be awarded a 3,000 SF reduction. It is

important to note that, in the situation of a single building divided into multiple tenant spaces, the division into multiple tenant spaces must be documented on project plans to be awarded the deduction per tenant space. If a developer were to pay TUMF on their whole undivided 12,000 SF building and later decided to divide the building, staff would not retroactively refund this developer, as this would constitute a tenant improvement.

Staff has developed the below scenarios regarding the 3,000 SF reduction when the developer pays TUMF:

Scenario #1: A 12,000 SF retail building that will be occupied by one tenant would only pay TUMF on 9,000 sq. ft.

$$\text{TUMF} = (12\text{k}-3\text{k}) \times \$7.50$$
$$\text{TUMF} = (9\text{k}) \times \$7.50$$
$$\text{TUMF} = \$67,500$$

Scenario #2: A 12,000 SF retail building that that will be occupied by four tenants would not pay TUMF.

$\text{TUMF} = (3\text{k}-3\text{k}) \times \7.50	$\text{TUMF} = (3\text{k}-3\text{k}) \times \7.50	$\text{TUMF} = (3\text{k}-3\text{k}) \times \7.50	$\text{TUMF} = (3\text{k}-3\text{k}) \times \7.50
$\text{TUMF} = \$0$	$\text{TUMF} = \$0$	$\text{TUMF} = \$0$	$\text{TUMF} = \$0$

Scenario #3: An existing 12,000 SF retail building that will expand building footprint by 3,000 SF would not pay TUMF.

Existing 12,000 square-foot building	$\text{TUMF} = (3\text{k}-3\text{k}) \times \7.50 $\text{TUMF} = \$0$
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Proposed Implementation Change

A study of several mid-size shopping centers in the subregion was completed by WRCOG in 2016, as part of the Nexus Study update. Results from this study show that these shopping centers are generally anchored by a large tenant, typically occupying a space over 20,000 SF, and that these large spaces are surrounded by a number of smaller tenant spaces. The larger spaces are commonly occupied by large retailers such as grocery stores, clothing stores, and supermarkets; however, smaller tenant spaces are more commonly occupied by restaurants, beauty salons, dental offices, or electronics shops. Whereas the larger spaces may create a regional traffic draw, these smaller uses are generally more local-serving. For example, a new 200,000 SF retail super center may draw traffic from adjacent cities, as there are a limited number of these retailers in the region. However, the smaller uses, such as a beauty salon or dental office, are generally located in every jurisdiction and will not create a large regional draw. Thus, even if a smaller use does generate additional traffic, this traffic will generally be local (i.e., new drive-through coffee shop locations, as there are numerous locations throughout the region). Additionally, the fee relief from the 3,000 SF deduction makes up a larger percentage of the total TUMF for these smaller projects than the larger projects.

Therefore, staff propose that application of the 3,000 SF deduction for retail and service uses is limited to spaces that are 20,000 SF or less. This update would maintain the fee relief for smaller uses, while also recognizing that larger tenants generally create more regional traffic.

Fiscal Impact

Since the first full month of implementation in September 2017, through June 2018, approximately \$4.8 million has been collected from retail, service, and Class A and B office uses combined. This is lower than the amount collected in the previous fiscal year, in-part due to the reduction of approximately \$3/SF for the retail TUMF land use. Staff has determined that the reduction in the TUMF rate for the retail land use has resulted in revenue loss of approximately \$1.6 million.

Reduction of the first 3,000 SF of all retail and service uses has resulted in a direct revenue loss of approximately \$1 million. Staff will continue to monitor revenue loss and development trends.

Combined, the reduction in the TUMF retail land use rate and the implementation of the 3,000 SF reduction resulted in a loss of approximately \$2.6 million, or approximately 5% of all total revenue collections for Fiscal Year 2017/2018.

A total of three retail projects and five service projects larger than 20,000 SF have paid TUMF since the first full month of implementation in September 2017 through June 2018. Total revenue loss from the 3,000 SF deduction for the retail projects is approximately \$90,000 and the total revenue loss from these service projects is \$82,080. The largest retail project during this period was approximately 64,000 SF – the revenue loss from the 3,000 SF deduction for this project represents just 5% of what the total project TUMF fees would have been without the deduction.

Prior Actions:

August 9, 2018: The Public Works Committee received an update on implementation of the 3,000 SF deduction, one year after the policy was implemented.

August 7, 2017: The Executive Committee directed staff to exempt the first 3,000 SF of retail and service uses.

July 25, 2017: The TUMF Ad Hoc Committee concluded that exempting the first 3,000 SF of retail and service uses was preferable; 2) requested that staff identify a method to allow this option to be implemented expeditiously and also conduct outreach efforts with jurisdiction staff to facilitate its implementation; and 3) discussed the need to monitor this approach and provide a report within one year on its implementation and any recommended changes.

Fiscal Impact:

Transportation related activities are included in the Agency's adopted Fiscal Year 2018/2019 Budget under the Transportation Department.

Attachment:

None.